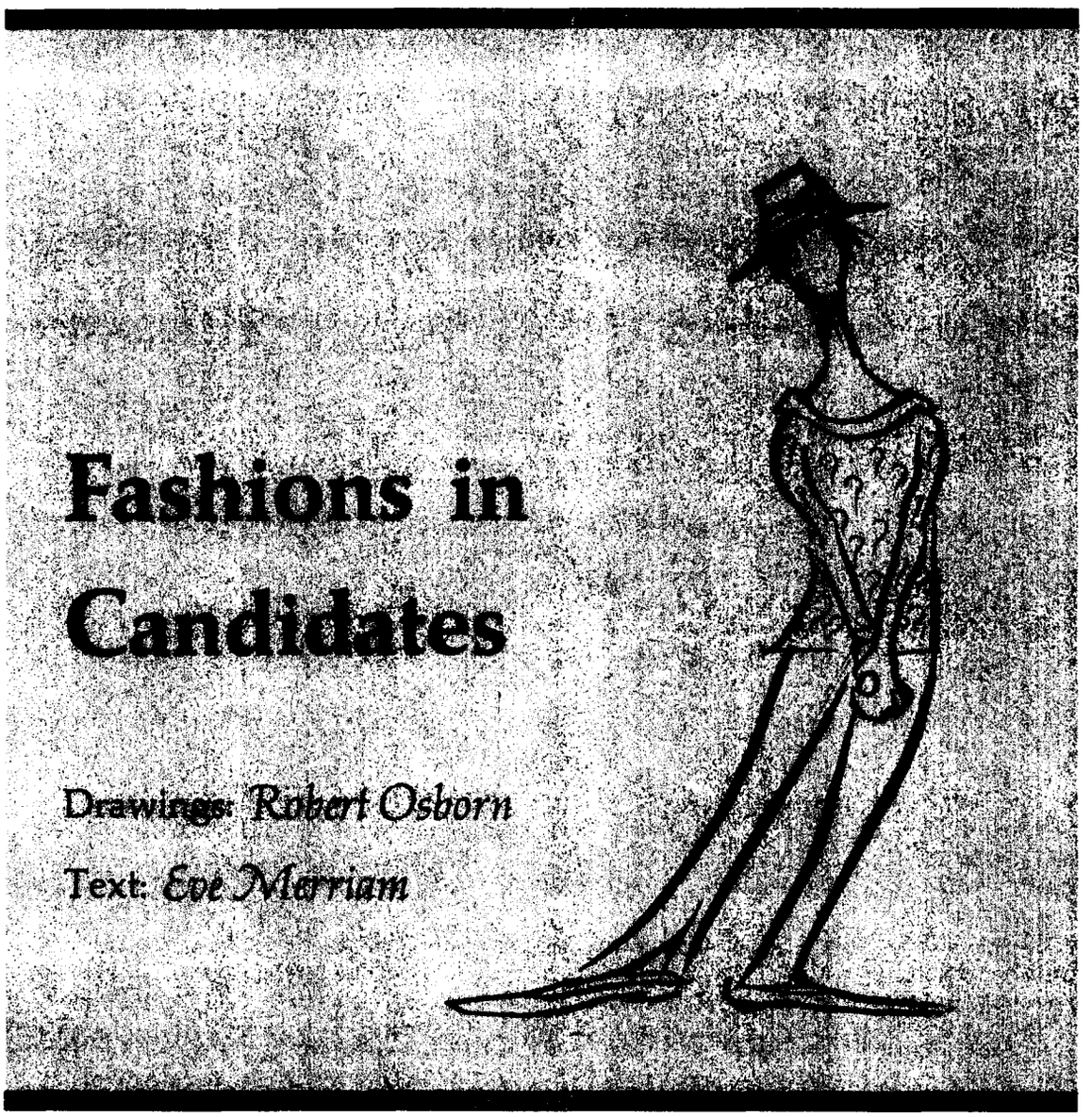
THE NEW REPUBLIC

UNIVERSITY OF VERMONT



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T.R.B. *from Washington*

Who Runs Congress?

★ As Congress recessed last week for the nominating conventions it had a miserable record of non-accomplishment. It had met in January, 1959, following a stunning midterm victory that gave Democrats a two-thirds' majority in each house. Idealists' hopes lifted; great things were expected. These hopes were dashed. What happened, and why?

The two loose political coalitions calling themselves "parties" in America consist of two wings, Congressional and National. In the case of the Democrats the Congressional Johnson-Rayburn leadership in 1959 jealously declined to cooperate with the National (and more liberal) wing of the party grouped around Paul Butler, national chairman.

At the start of the 1959 session House liberals complained to Speaker Rayburn of the arrogant Rules Committee (center of Dixiecrat-GOP power) but unwisely accepted his assurances that its excesses would be voluntarily curbed. Simultaneously in the Senate, liberals started 1959 with a drive to end the Southern filibuster.

In the past fortnight the autocratic Rules Committee has maimed some bills, killed others and exercised veto control over all. Acting as a sort of "Third House" of Congress, it has contributed to the general delay.

In the Senate the liberal drive to curb the South met defeat by a coalition under Johnson. This left him master of the situation with his policy of not criticizing Eisenhower. The inglorious 86th Congress thereupon lapsed into dreary dullness with hardly one good debate in two years. At times one wondered if two-party government existed at all. It is hard to see how it can 'til the "national" Democrats get rid of the incubus of the South.

The dawdling Congress ended up in such confusion that it must meet again in August to settle most of the controversies that conservatives have hitherto prolonged. The circumstance is so unusual that it is hard to guess the results except that the conventions, with their platforms, will be an extension of Congress, and the resumed session will be an extension of the convention.

Woe betide the Democrats next August if their Congressional majority bows either to its own Rules Committee, or to Eisenhower! The conventions will whip up national excitement, and they will also probably send back to the Senate two rival Presidential candidates for unprecedented confrontation. The spotlight of national attention will burn down on Congress for the first time.

The situation is almost unprecedented and prophecy is dangerous. But suppose we take the single instance of the unfinished medical bill for the aged – failure to act on which is a principal cause of the recess. Each of the three Senate Democratic Presidential aspirants favors a self-financed program under social security. Nixon, by contrast, is stuck with the Eisenhower proposal for a voluntary program under state administration, a program denounced by Governor Rockefeller as fiscally unsound and one from which it will be hard for Nixon to extricate himself, even in his role as Nominee. It will be strange if the parties do not adopt planks binding them to their respective stands.

Assuming all this, how can Congressional Democrats duck the issue when they return here in August? If their Rules Committee won't let them vote on the measure, an attentive nation will draw its own conclusion; on the other hand if Democrats pass a bill and Eisenhower vetoes it, the voters will have one of the most clean-cut issues in years.

Deferred Recessions

★ On May 9th this column published a table showing that few recent recessions have occurred in election years. The 1929 crash (after the 1928 Hoover victory) and the 1953 and 1957 recessions (after Eisenhower's two victories) were typical in coming a year *after* election. Why is this? An Administration has means of stimulating the economy; means, indeed, which some economists have urged the White House to use to ameliorate current unemployment.

It should be understood that the American financial page is professionally atuned to the business viewpoint; it is probably more biased and untrustworthy on this subject than about Eisenhower. It whooped up the false 1959 inflation scare (which never appeared) and it whooped up the 1960 "boom" last January (which never appeared either). The fact is that instead of a boom today there are some vague signs of a recession.

But note what is happening. The Federal Reserve Board has quietly reversed its tight money policy. It made more funds available for industry, and it started the discount rate down. And now the Commerce Department has, oh so gently, started to speed up contracts in the big highway program, authorizing the states last week to double federally-assisted road construction. Political – ? Dear me, not at all! There are many legitimate things an Administration can do to abort a recession; the sad thing is that Eisenhower seems willing to exercise this power only in an election year.

Accidents of Seniority

★ Reporters coming back from the unhappy Eisenhower trip to Asia tell of the President's extraordinary isolation from world events. In the 18-hour flight from Anchorage, Alaska, to the Philippines the President received no information about critical developments in Tokyo; in an unscheduled off-the-record talk with some of the reporters on board his cruiser, the President showed himself unfamiliar with the reaction of the rest of the world to the cancellation of his trip.

Seniority makes strange committee chairmen in Congress. Retiring Rep. Graham Barden (D, N.C.) dislikes trade unions and federal school aid – and has been chairman of the Education and Labor Committee since 1950. He helped block such legislation by refusing to call committee meetings and refused a proposed farewell dinner in his honor by his own committee. His successor: controversial Adam C. Powell (D, N.Y.), also elevated by the seniority route.

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Los Angeles

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Subscribers and contributors to *The New Republic* have been good enough to let the editors know just what they think of the suggestion made three weeks ago that the time had arrived for those who would prefer Stevenson or Bowles to come to the aid of Jack Kennedy. They believe, as Gerald Johnson and letters in this issue testify, that if Mr. Stevenson's friends stand fast Kennedy will not make it on an early ballot, that the Democratic convention will not turn to Johnson or Symington "while Stevenson is available," and that Adlai Stevenson *must* be nominated because he is the best qualified man for the job.

Nothing that has happened in the past three weeks makes it any the more likely that the delegates in Los Angeles, if Kennedy is stopped, will compromise on Mr. Stevenson. His nomination, in our judgment, remains a "political impossibility," though perhaps it should be said, self-evident as it is, that the editors of *The New Republic* possess no infallible divining rod. Also, it ill-behooves a journal which in 1931 described Franklin D. Roosevelt as "not a man of great intellectual force or supreme moral stamina" to pronounce dogmatically on what Jack Kennedy or any other candidate might make of the Presidency, or what the office might make of the man.

Nevertheless, and it is said regretfully, all that one can discover from a state-by-state check of Democratic delegates leads to the conclusion that if the nominee is not Jack Kennedy it will be either Symington or Johnson, and, Mr. Truman notwithstanding, either would be unsatisfactory. It is our reading of the facts that compels us to differ with those whose aims and regard for Stevenson we share.

When one probes for the sources of confidence of those working for Stevenson's nomination, two assumptions come to the fore. First, that the public – the grass roots – wants Stevenson and that this demand will infiltrate and then command the convention. That could be so, but the evidence for it is meager, even from the three Pacific Coast states where Adlai enthusiasm is highest. Moreover, Harry Truman is true to history when he says that the only people who can "draft" a man for the Presidency are convention delegates – the precinct workers, the county chairmen, the Governors, the Senators.

Second, those who believe Mr. Stevenson *can* be nominated invest many of their hopes in Lyndon Johnson, and that is a highly speculative investment; anyone who counts on using him better have all his pockets zipped. The Majority Leader may, as has been reported, have given private assurances that if he cannot make it he will throw his

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weight behind Stevenson, for practical, personal reasons: his jealousy of Kennedy, his responsiveness to Southern fears of Kennedy's religion, and his desire to protect his power in the Senate – whatever the outcome of the Presidential race. But how much Senator Johnson could deliver to Adlai Stevenson – assuming he tries – is a matter of dispute (as is the assertion that Stevenson is the second choice of most Kennedy delegates). Certainly it is not enough for the nomination. And how enthusiastic the delegates or voters would be with a Stevenson nomination brought him largely as a gift of Johnson and the South – were that possible – is also disputable.

To be sure, we have thought and hoped that in the event of a deadlock, Chester Bowles might arise as a fresh personality, against whom few liabilities could be chalked up, and become the compromise candidate. That possibility, remote as it was, is still in some ways more of a possibility than the nomination of Stevenson. The reasons why so many delegates do not wish Adlai to carry their standard are varied – there are his repeated statements of reluctance to run, there is the fact of his earlier defeats, but perhaps most of all, there are the inevitable handicaps carried by any man who has been long in the game of Presidential politics and whose liabilities as well as assets have been put twice to the test. The cumulative effect of such delegate resistance would appear insurmountable.

The key idea behind the Draft-Stevenson movement, however, is not that a majority of the delegates want him; it is that he *must* be chosen because he is preeminently superior. Adlai Stevenson's excellence is incontestable. Everything this journal has observed and written about him since 1952 reflects admiration for his intelligence, sensitivity and knowledge of world affairs. He has for too long been on the outside looking in, and the prospect of his being drafted for important public service is one reason why a Democratic victory seems worthwhile. But drafted for what? That, and not Stevenson's great gifts, is what is in question.

What Is "Victory"?

What is sought in this campaign by those who believe it is time for a change? What would constitute "victory"? The defeat of Nixon, assuredly, for Nixon could not successfully lead a coalition government (and a coalition government is inescapable should a Republican be elected to the Presidency); he has made himself a symbol of mean partisanship; more important, neither he nor most of his party appreciate what accommodations must be made by this business-oriented nation if the United States is again to become an esteemed and effective world leader.

Who can beat Nixon? Perhaps any Democrat, though Dr. Gallup's poll last week of Democratic County chairmen throughout the nation reports their opinion that any Democrat could win *except* Stevenson.

Presidential Mission in the 60's

But is the defeat of Nixon the be-all and end-all? Not by a long shot. This country is near suffocation from having been wrapped snugly in a blanket of self-deception for more than eight years. Even the winds from Paris, Geneva and Tokyo have brought hardly a chill. A new President will encounter strong resistance to change – the resistance of inertia as well as the resistance of conservative forces for whom the least government is always the best because it is the most profitable. It will take a massive, sustained and purposeful assault by any new Administration to rouse the legislators to realities and the public to the nation's opportunities. The needs are staggering: to revitalize and expand the economy, to reexamine our military policies, to refashion our alliances, to remodel and substantially enlarge our foreign economic commitments, to revise our tax structure, to rebuild our public services, to renew our cities; to restore respect for intelligence and individual liberty.

How is all this to come about, practically? *The New Republic* is not passionately interested merely in seeing a Democratic Presidential candidate elected in November, unless that is accompanied by the election of a *sizable, progressive* Democratic majority in the Congress. The President must, of course, have the talent and will to organize the progressive forces – by carrot, stick and exhortation; the White House must once more become the nation's *political* command post. But a working majority for progressive measures in the Congress is likewise essential, and where is such a majority most likely to come from? Not at this moment out of the South. It will come, if it does, largely from the North, East and West, from those states which are for the most part industrial and to which Kennedy has primarily pitched his appeal. We find it suggestive that in these regions, the Republicans won 43 marginal seats in the House of Representatives in 1952 and 1956 – and that each of these districts went Democratic in 1958. And we find it suggestive also that in 29 other marginal districts – in Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania – Republican Congressmen won in 1958.

The Democratic convention should obviously seek more than a good campaigner – he must be one who also sees the nature of the challenges to this country's convictions and capacities. On this, one's judgment of Senator Kennedy's suitability must rest largely on his voting record, what he has said on national and world issues, estimates of his character and intellect, and

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the ideas of those who are backing him and to whom he would turn for counsel as President. Each delegate, each voter, makes his own tally. Ours comes out to the Senator's credit.

These are some of the considerations which went into the decision of *The New Republic* to endorse Jack Kennedy. He has been criticized in these pages and undoubtedly will be again. And if this assessment of the will of the Los Angeles convention is proved wrong and Mr. Stevenson becomes the nominee, needless to say he will receive enthusiastic support here.

But Kennedy too can be supported with enthusiasm. He offers the promise of a vigorous campaign and an effective Administration. Nor need one be abashed by the air of youthfulness that a Kennedy-Humphrey ticket would give. "Innovators will appear with the new generation that is rising to power," Walter Lippmann comments in his recent article in *Life* magazine. "For it is not the nation which is old, but only its leaders." And as Mrs. Roosevelt reminded Mr. Truman and the delegates in 1956: "Our party may be the oldest party, but it must live as a young party with young leadership. It must take into account the advice of its elders, but it must have the courage to look ahead."

Southern Defections

Senator Kennedy, by his recent statements on civil rights to the Liberal Party of New York and by his praise of the sit-in demonstrations, has given unexpected importance to the Southern plan for independent electors this year. Months back, states rights leaders decided against taking another walk out of the 1960 Democratic convention and running another Dixiecrat ticket in the Presidential election. They turned instead to the old idea, much talked about in 1944, of seeking to throw the election into the House of Representatives by casting their votes in the electoral college for someone other than the candidates of the major parties. The hope would be that the remaining votes would then be so closely divided that neither man would receive the necessary majority, and that in the House of Representatives a compromise satisfactory to the South could be arranged – comparable to the compromise of 1876, when Hayes was elected and the 14th Amendment effectively nullified.

This romantic notion received only passing notice from the rest of the nation at first. But as it becomes clearer that Senator Kennedy might equal Hubert Humphrey in his fervor for civil rights, the chance arises that Kennedy would lose more Southern states than the five Truman lost in 1948. A Kennedy campaign fought on the lines of his civil rights declarations last week could cost him as many as eight Southern states. But the loss could mean a net Democratic gain if a spirited defense of integration brings new enthusiasm for the ticket in the industrial states with sizable electoral strength – as Truman learned 12 years ago.

The Johnson Method

Close students of the "Johnson Method" profess to see a connection between the fact that the 86th Congress is having trouble meeting its adjournment deadline and that Senator Johnson is having trouble slowing down the Kennedy Express. Time was lost in the civil rights filibuster and the House Rules Committee is, as usual, recalcitrant. But it may suit the Majority Leader's plans not to adjourn until after the Convention. And his unofficial campaign manager, Sam Rayburn, may be just as well pleased that his Rules Chairman, Howard Smith of Virginia, is defying the Speaker.

With Congress only in recess and scheduled to return in August to deal with four major welfare measures – housing, aid to education, medical care for the aged, and minimum wage legislation – Johnson will be in familiar trading position at Los Angeles. With the material for wheeling and dealing in hand he can try to run the Convention the way he runs the Congress – by the barter system.

Governor Mennen Williams' report of the threat that the medical care for the aged bill would be killed if he came out for Kennedy suggests that Democratic delegates may find that their game in Los Angeles is being played with a hard ball.

While the Aged Wait

The Senate Majority Leader wound up a prefilmed TV political interview several weeks ago by defining the key issue of the November elections: "I think the primary issue will be leadership – leadership to preserve our freedoms, leadership *to provide medical care for the aged*, leadership that will provide conservation of our human and natural resources. I think that the Democratic Party will win the election because it will provide the leadership that says "come on, let's go, let's get things done – let's accomplish."

There is now in the Senate a practical and comprehensive plan of health care for our older citizens. Sponsored by Senator McNamara and 23 other Democratic Senators, it offers comprehensive health care for the aged through the social security system. This is the approach of the Forand Bill, killed in the House Ways and Means Committee. It is the approach that Eisenhower has promised to block by veto, and Nixon condemns as leading to "socialized medicine." But it is a

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bill that would get things done, and it could be offered as an amendment to the inadequate House measure.

Senator Johnson, however, says he prefers a fund to be established from a payroll tax of approximately one-half of one percent for employer and employee. From the earnings of this fund, payments would be made to contributors who reached the age of ". . . say 65 to pay medical expenses, hospitals, doctors, medicine, nursing care – all upon the certification of the individual's doctor. . . ." But even if such a fund was invested in Texas offshore oil stock the interest rate wouldn't buy much more than a bottle of aspirin each for the country's 16 million citizens over 65. If that is the Majority Leader's alternative to the McNamara proposal, the aged will wait a long while before their health needs get serious Congressional consideration.

A final point should be made. It has been argued that any new massive federal spending for medical care will only make for higher health care costs in view of the shortage of doctors, nurses, hospitals and nursing homes, and that therefore the demand for medical care should await an increase in supply of doctors, nurses, hospitals. No one will dispute the theory that we need more trained medical personnel and facilities. But had we waited until schools and teachers were in adequate supply, there would have been no GI bill giving educational opportunities to veterans. Increasing effective demand is one way of assuring greater supply.

As LBJ says, ". . . let's go, let's get things done" . . . not next January, but now.

One More Collapse

The collapse of the 10-nation disarmament talks at Geneva underscores the importance of being as well prepared for negotiations as for wars. A recent study by the Committee on Security through Arms Control of the National Planning Association correctly observes: "In the 15 years since World War II, our government's failure to harmonize defense and disarmament objectives has led to confusion in our security policies. Furthermore, lack of organized preparation for disarmament conferences has aggravated the risks inherent in negotiation. We have repeatedly found ourselves at the arms control conference table with jerry-built policies and hastily recruited spokesmen. We have thus frequently been caught off balance – in presenting our case to our opponents, to the world at large, and even to our allies. . . ."

Time after time the United States has entered conferences without having thoroughly done its homework and lacking agreement even between departments of the government on important points. As the NPA report carefully documents, this was true of the Summit meeting of 1955 where, as Robert J. Donovan recorded in *Eisenhower: The Inside Story* "the President had gone to Geneva with no certain intention of introducing [the open-skies proposal]. The decision was made at the last minute." It was true of the prolonged negotiations of the UN Disarmament Subcommittee in London from March through August, 1957. And of the 1958 Surprise Attack Conference, for which, the NPA report concludes, "the United States had prepared hastily and was ready only for technical discussions." After the close of that futile meeting the chairman of the US delegation, William C. Foster, reported that chances of reaching useful conclusions had been slight "without obtaining closer original agreement between the two sides on the nature of the discussion."

The story was the same at the nuclear test conference in December, 1959. And it was still the same when the lately deceased 10-nation conference convened. Pressure brought by the Senate Disarmament Subcommittee for improved planning after the failure of the Surprise Attack Conference had brought about appointment last July of Charles Coolidge, a Boston lawyer, to head a Joint Disarmament Study to produce long-range plans. But when it was announced in September that a 10-nation conference would be convened in the spring, Coolidge was transferred from planning to producing position papers for that meeting. When that work was done in December, Mr. Coolidge left Washington. And, the NPA Committee reports, "For the delicate job of steering through the dangerous waters of the actual conference, the United States selected Mr. Frederick Eaton, a man who has demonstrated brilliance as a private lawyer, but who never before dealt with disarmament, and who never previously worked in any of the government departments concerned."

What is needed, the NPA concludes, is "a corps of highly-trained professionals" located in one or more of the departments who "can present facts, issues and alternative proposals to the President for decisions he alone can take." Finally, "the actual negotiating procedure should be left to the State Department," with enough leeway from policy planners to make compromises "when they are steps directed to desired goals."

Eisenhower Returns

Mr. Eisenhower, Lord bless him, never got to the Soviet Union, he never got to Japan, but "if any unforeseen situation or circumstances arising in the near future should convince me that another journey of mine would still further strengthen the bonds of friendship between us and others, I would not hesitate a second in deciding to make still an additional effort of this kind. No consideration of personal fatigue or inconvenience, no

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threat or argument would deter me from once setting out on a course that has meant much for our country, her friends, and for the cause of freedom. . . ."

And then he said "good night" to his TV audience.

No "threat or argument" is likely to be forthcoming. For how could the public bear once again to hear the glad tidings of "glowing faces, friendly shouts, songs, gaily-painted placards and home-made signs," knowing that behind this façade of showmanship is the reality of failure and frustration.

Again last week, the President cancelled his press conference. He has not presented himself for questioning since May 11. From the time he left Washington for the Pacific until his return, his thoughts were filtered to the public through his press secretary, and he is reported to have been ignorant of and indifferent to world reaction to cancellation of his Tokyo trip. Mr. Eisenhower's work is nearly done. It only remains for him to say what will best serve his party in November. And he will doubtless be advised that what will best serve the party is more words of good cheer.

The North wind doth blow,
And we shall have snow,
And what will poor robin do then,
Poor thing?
He'll sit in a barn,
To keep himself warm,
And hide his head under his wing,
Poor thing!

Bottom of the Barrel?

"Good Partner" Policy

Latin American policy, awkwardly retitled for partisan reasons, has been a reflection of the Administration's respect for private capital and the status quo. Our diplomacy has emphasized opportunities and safeguards for American investors and "realistic" support for any government that says it is against the Reds and in favor of free enterprise. Between 1952 and 1959 a total of $457 million in military aid was given to 19 American "republics," including the dictatorships of Odria, Perez Jimenez, Rojas Pinilla, Batista and Trujillo.

The USSR and the Chinese Communists have spent their money differently. Military aid, except for a tiny trickle to the Arbenz regime in Guatemala and prospective shipments to Castro's Cuba, has so far been negligible. Instead, Soviet propaganda activities are considerably larger than our own; one estimate is that the USSR spends $150 million a year in Latin America, a figure that is $48.5 million higher than the current USIA budget for the entire world. While the US tries to win the favor of Latin American businessmen, Army officers, and conservative politicians, Soviet efforts are directed at student, reform, and labor groups.

It has become increasingly evident, in Latin America as well as elsewhere, that a policy of propping up a sagging *status quo* will not work in countries infected by "revolutions of rising expectation." A recent poll of 350 representative Chilean university students, for example, reveals that two-thirds of them feel that the US has neglected Latin American economic development; the same percentage feel that the US has too much influence in Chile. More than four out of five students favor diplomatic relations with the Soviet bloc, as against three out of five back in 1957. Only one student in four believes that Chile should side with the West in the Cold War; one in seven favors Sino-Soviet policies, and the overwhelming majority is neutralist.

Many of our diplomats in Latin America, if they are informed at all about student opinion, brush it off as harmless campus radicalism; one cultural attaché dismissed the attacks on Vice President Nixon in Lima in 1958 as "just like one of those panty-raids we used to have back home." But Latin American students, like those in Korea, Turkey and Japan, are older than their American counterparts, more mature politically, and often faced with a bitter struggle to exist. Soviet aid, trade, and economic power have a compelling appeal to underdeveloped nations that respect but see no reason to fear Soviet military might. Whoever moves into the White House next January would do well to

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remember that seven years ago, when our government began to send tanks, airplanes, and military advisers to the Batista regime, Fidel Castro was only an impressionable law student at the University of Havana.

Judicial Motives

In the past half-dozen years – the years since 1954, when Earl Warren became Chief Justice and the school segregation cases were decided – the Supreme Court has, on the whole, spoken out with increasing boldness to vindicate the great personal rights embodied in the Constitution. The tempo of criticism of the Court has increased at a corresponding rate. Nor is this unhealthy.

Recently, however, the intemperate slurs upon the Court – and particularly upon Chief Justice Warren and Justices Black and Douglas, who are, to use the current cliché, the most "activist" of the Justices – have been supplemented, from other quarters, by a more genteel line of attack, which runs somewhat as follows: "We share your fondness for free speech, and your hatred of race prejudice, but we think you are abusing your judicial office by elevating into constitutional imperatives what are – we regret to say – nothing more than planks in the current platform of 20th-Century liberalism. In giving constitutional sanction to our shared, but surely debatable, liberal principles, you are repeating the error of the Old Court, which used constitutional clubs to beat down New Deal legislation whose only constitutional infirmity was that five Justices thought it unwise."

Those who incline to this view that some or several of the Justices customarily fashion the Constitution to accord with their own *ad hoc* prejudices would do well to take note of *Hannah v. Larche*, decided by the Court on June 20. There the question was whether the Civil Rights Commission, which was engaged in investigating complaints that Louisiana voting officials were denying Negroes the franchise, was obliged to disclose the identities of the complaining Negroes as a prerequisite to examining the officials charged with discrimination.

The issue was not a simple one. The charges of discrimination could, if substantiated, add up to federal crimes. The evidence collected by the Civil Rights Commission could, therefore, facilitate subsequent prosecutions, even though the Commission's own mandate is simply to investigate and report back facts and recommendations to the President and Congress. On the other hand disclosure of the names of those Negroes who filed confidential complaints would invite local reprisals against the complainants – and might in the long run bring the Commission's investigations to a standstill throughout the South.

Chief Justice Warren wrote an extended majority opinion upholding the constitutionality of the Commission's policy of non-disclosure. Justice Douglas filed a dissenting opinion, in which Justice Black concurred. The dissenters made no secret of their own hostility to Southern devices calculated to keep Negroes from exercising their right to vote: "By democratic values this right is fundamental, for the very existence of government dedicated to the concept 'of the people, by the people, for the people', to use Lincoln's words, depends on the franchise." Yet, said the two Justices, "important as these rights are, it will not do to sacrifice other civil rights in order to protect them. We live and work under a Constitution. . . . Worthy as . . . the ends are which the Civil Rights Commission advances in these cases . . . .the particular means are unconstitutional."

Justices Black and Douglas may or may not have been right. But, right or not, they voted to decide the case in a fashion which, had it prevailed, would have impeded the achievement of social objectives on which they set great store. If their dissent is a flower of a "result oriented" jurisprudence, it is a very subtly tinted blossom. In short, the case suggests that speculation about judicial motives is a slippery business, and that the proper target for those who would criticize the Court is the particular opinion a Justice writes or subscribes to. On the adequacy of his public statement of the reasons underlying his public act a Justice is entitled to be judged.

Not Funny Enough

It would be interesting to identify the humorist who compiled the Federal Bureau of Investigation "black book" recently transmitted to the Senate. The book is supposed to contain 63 pages of data on Soviet spy activities detected by the FBI; and that part of it revealed to the newspaper reporters offers internal evidence that some comedian had a hand in it.

For instance, it is asserted that Soviet agents are now in possession of aerial photographs of various cities and industrial installations in the United States. And how did they obtain them? Why, in broad, open daylight, unmasked and not even wearing a false mustache, they walked into shops dealing in such things and infamously purchased them. Without doubt, they had the audacity to pay for them with United States currency.

Then we have details of the incident during Khrushchev's visit, to which Vice President Nixon referred in tones vibrant with shock. At the very moment when the Russian was making a public speech proclaiming his desire for peace, two Soviet agents were inspecting – looking at – a street-corner in the city of Springfield, Massachusetts. It is not claimed that the street-corner suffered any damage through this observation; but everybody knows, or is supposed to know, that when

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Soviet agents scrutinize a street-corner it cannot be for any other purpose than choosing a spot at which to meet and seduce from his loyalty some government employee whose pockets are stuffed with secret documents.

We should like to believe that somewhere in the 63 pages there was some reference to some case of espionage that is not utterly ridiculous; but if there is, it seems to have been kept from the newspapers.

Growthmanship-Nixmanship

In a speech before the national convention of the Junior Chamber of Commerce in St. Louis on June 21, Mr. Nixon accused critics of the Eisenhower Administration of "playing what is rapidly becoming the most fashionable parlor game of our time – a game we might call 'growthmanship'. . . . The critics of our present economic policies say that the Soviets are achieving their objective of overtaking us. They claim that we are falling behind and in the foreseeable future will become second to the Soviet Union in economic strength. They back this up by citing statistics to the effect that the Soviet economy is growing at a rate of 8 percent a year as compared with our own long-term economic growth, which has been running at about 3 percent a year, and now appears to accelerate toward 4 percent." Mr. Nixon then interpolated that the critics wanted the rate of economic growth stepped up to 5 or 6 percent – the figures used by Rockefeller in his June 8 challenge.

The Vice President threw out these fighting words: "Mr. Khrushchev boasts that he will catch and pass us in seven years. *By any projection that can be applied, there is no possibility that the Soviet economy will overtake our own at any time in this century!*" [italics added]. For this sally, the speaker, a former Jaycee himself, was enthusiastically applauded by the delighted audience. Mr. Rockefeller, however, was not impressed: "I am puzzled and troubled at the fact that so many people who profess to believe in it [our economic system] seem afraid to acknowledge that it is fully capable of matching and outstripping the performance records of competing economies anywhere in the world. The need is for real faith in our system – and action to support it."

Mr. Nixon or his speechwriter seem not to have read or understood, or believed, a published report by the Central Intelligence Agency, dated May, 1960, entitled "Soviet Manpower, 1960-70." This report, showing the changes in population and labor force of the USSR expected to take place between 1960 and 1970, also contains official CIA estimates of the growth of Soviet gross national product (all goods and services produced in the economy) since 1950, with projections to 1970. Measured in constant 1958 dollars, a CIA chart estimates that the Soviet gross national product was about $120 billion in 1950, will be about $225 billion this year, and will reach about $420 billion in 10 years. US gross national product in 1958 was about $440 billion.

The text at the bottom of the chart, also supplied by CIA, reads as follows: "The continued rise in the level of education and skill of the Soviet labor force, along with progress in technology, should permit productivity to rise rapidly. Gross national product (GNP) is expected to increase about 6 percent annually during the 1960's, a little more slowly than during the 1950's. GNP per capita and GNP per worker (which is a rough measure of productivity) will increase about 4.5 percent annually. The high rate of increase in GNP should permit consumption per capita to increase substantially. By 1970 the standard of living of the average Soviet worker will be about 40 percent higher than the present level."

According to the chart, Soviet GNP per worker will be about $2,300 this current year, and about $3,300 by 1970. Per capita GNP projections for 1960 and 1970 are in the neighborhood of $1,000 and $1,800, respectively. (Disposable personal income – generally defined as personal income less personal taxes – would of course be much smaller, probably somewhat less than one-half of the GNP estimate. Per capita disposable income in the United States in 1959 was $1,891).

The Soviet Union still has a good long way to go to match living standards in this country, as is shown also by estimates of the US Bureau of Labor Statistics, according to which an average worker in Moscow has to work about three times as long for potatoes as his counterpart in New York, and as much as 16 times as long for a shirt. Even an increase of 40 percent in the average Soviet worker's standard of living by 1970, as projected by the CIA, is bound to leave a gap between him and the average American worker. But for the Vice President by implication to dismiss the manifest momentum of Soviet economic growth is not only absurd, it is dangerously misleading.

Birmingham's Defenders

The automatic defense mechanism that springs into play among Southerners when race is mentioned – critically or sympathetically – has often been observed. But it has been made visible to us by the curious response to our note of May 30 on "Birmingham Blues."

Actually, in that note we were chiding the North! The point was made that Birmingham, recognized by many (including Southerners, off-the-record) as the most dangerous powder keg in race relations anywhere in the country, is also the most Northern-dominated city in the South by reason of the vast operations there of

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US Steel and its allied industries. We said it was odd that when papers such as *The New York Times* and *The Washington Post* write about Birmingham's problems, they rarely, if ever, deal with the question, "How did Birmingham get that way?" We suggested that if Northern business leadership would use the powerful influence it has in Birmingham, things could be better, for Negroes and whites not only in Birmingham but throughout the South.

But *The Birmingham Post-Herald* (June 9) responded with a lead editorial, "More of the Same," with regard to our comment that both of Birmingham's newspapers, while owned in the North, are quite Southern in matters of race, and accused *The New Republic* of "vicious misinformation."

The Post-Herald, which is a Scripps-Howard paper, said this journal would have found how wrong it was if "it had investigated conditions in Birmingham for itself." A *Post-Herald* reader, L. Kenneth England, Director of the Attendance Department of the Birmingham Board of Education, wrote us to say that "Unfortunately I did not read your editorial, but judging from the enclosed comment about it in our *Post-Herald*, I am sure it followed the same line of specious reasoning as the majority of Northern newspapers. . . . As suggested by our *Post-Herald*, why not send one of your reporters down here to see for yourselves. What a revelation it would be for you! You will find our race relations of the best."

Another correspondent, Miss Irma Flinn of Birmingham was more painstaking. She said that after reading *The Post-Herald* editorial, "I went to the library and read your article. It is incomprehensible why the Northern press goes out of its way to slander the South."

Thus an editor, an educator and a lady who is neither – all seriously concerned about their city – are sure that outside, Northern comment must be based on ignorance. Yet both the writer of our note on Birmingham and *The New Republic* editor who handled the copy were born and bred in Alabama, and have been and are far closer students of Alabama affairs than a great many present-day residents. Southerners have a right and reason to be sensitive to outside criticism, but it is a sad error to assume that all who are of the South, who love the South, and who criticize the South must be blind to things as they really are.

PREDICTING IN JUNE THE OUTCOME IN NOVEMBER

Preconvention Polls

Preconvention polls are this year more numerous than ever before but this does not mean that you can lean on them with perfect assurance as accurate prophecy. Rational prophecy calls for three elements: knowing the past, sensing the present and making assumptions about events to come. Polls are thus merely a bridge between past and future, and pollsters now generally recognizing that they are not in the predicting business, merely ask you how you would vote today, not next November. Having said this, is there anything we can learn from polls taken in June as to the prospects of the candidate you hope will be nominated?

Let's assume your favorite ticket is Nixon *vs.* Kennedy and that they will be nominated. The latest test as of the first part of June gives Nixon 51 percent, Kennedy 49 percent. Who, on the basis of these figures, will win? There are two things you can do with this poll. You can look back at the accuracy of June polls in previous Presidential election years and you can study the Nixon-Kennedy polls over the past year or two. Here is the comparison by courtesy of Gallup, as compiled by Paul David, Ralph Goldman and Richard Bain of the Brookings Institution:

PRECONVENTION TRIAL HEATS AND ELECTORAL OUTCOME

Democratic Candidate, Percent of Popular Vote

Year	June Poll	November, Actual	Difference
1936	56	62	– 6
1944	(Apr.) 51	53	– 2
1948	50	52	– 2
1952	34	44	–10
1956	36	42	– 6

If your preference for Kennedy is stronger than for Nixon, there is only one obvious conclusion to be drawn from this record, namely, that historically there has been a tendency for June polls (including the other na-

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tional polls as well as Gallup's), to understate the final Democratic figures in November. In this record the minimum understatement is two points, the maximum 11 points and the average about 5 points. So the 49 percent for Kennedy in June, 1960, you say, could turn out to be at least 51 in November, enough to provide the minimum of 269 electoral votes.

But what of the trend in the Nixon-Kennedy ratings over the past two years? Can they be projected with any certainty from June to November? Not if you cannot predict the kind of coming international events and public reactions to them that have caused sharp reversals in the Nixon-Kennedy standings over the past two years. Before Nixon's unpopular trip to South America, Kennedy's popularity exceeded Nixon's by a good margin. Perhaps grateful that Nixon returned alive, respondents to Gallup's poll gave Nixon a better rating, temporarily. Kennedy continued ahead of Nixon until Nixon's return from his trip to Moscow and the publicity about the Nixon-Khrushchev "kitchen" argument. This Moscow pick-up was followed by a sag in the Nixon curve as Kennedy victories in the primary elections made the headlines and put him ahead of Nixon in April and May. Then came the collapse of the Summit meeting and, to the surprise of most Democrats and probably nearly as many Republicans, Nixon's curve advanced again and Kennedy's has fallen. Between May and June, Kennedy's rating in relation to Nixon dropped from 54 to 49. We do not know yet what the President's unfortunate experience on his planned trip to Japan has done to the Nixon-Kennedy ratings. It might be easier to predict the weather or the stock market than to project a Nixon-Kennedy curve from here to November, a curve that could be swayed by international events as well as the religious issue, which was *not* buried in West Virginia and Oregon.

Let us make one more assumption, that your heart's desire is a Nixon-Stevenson contest. What does the June poll on Nixon-Stevenson imply for November? The long-time record of the Nixon-Stevenson polls show essentially the same ups and downs as the Nixon-Kennedy curve, with this exception that the Stevenson rating did not recover during April and May as did Kennedy's but showed only a gradual rise from about 44 percent last November to 48 percent in May just before the Summit meeting. It, too, has since declined to its previous low of 44 percent and it is anyone's guess as to what the Japanese treatment of the President will do to it.

But the June Nixon-Stevenson polls permit another comparison, with the June Eisenhower-Stevenson preconvention rating in 1952 and 1956. We have already noted that the Stevenson percentages of 34 in June, 1952, and 36 in June, 1956, proved to be 10 and 6 percentage points, respectively, too low. The shortage in 1952 may have been due to the fact that at that time Governor Stevenson was not as well known as he was after the convention. But in 1956 the June rating was also about 11 points below the rating during October. The Suez crisis cut it down by 5 percentage points, making the June understatement 6 points in relation to the November figure.

The 1960 June ratings give Stevenson 44 percent in relation to Nixon. They give a Stevenson-Kennedy ticket a rating of 45 percent in relation to a Nixon-Lodge ticket. Stevenson thus rates about 10 points more in June, 1960, than in June, 1952, and 1956. I can imagine Stevensonites arguing that 10 points more in June could, "other things being equal," mean 10 points more in November, 1960, than in November, 1952, which would give Stevenson about 52 percent, and enough to win the election.

Let's make one more assumption – that you are among those who think November results will be determined by how many Eisenhower voters will shift to a Democratic candidate. You undertake an opinion test of how 1956 Eisenhower-Stevenson voters would vote in June, 1960, in a Nixon-Stevenson contest. You sound out, say, about 2,000 Eisenhower-Stevenson voters in 10 cities over the US or about the same number in a nationwide sample scattered nationally *à la* Gallup. You find quite consistently that more 1956 Eisenhower voters show up in the 1960 Stevenson column than 1956 Stevenson voters in the 1960 Nixon column. Depending on how you apportion the "undecideds," the 1960 Stevenson proportion is 9 to 11 percentage points greater than the proportion who say they voted for Stevenson in 1956.

But as you are about to conclude that these tests corroborate the Gallup finding that Stevenson in June, 1960, is 10 points more popular than in June, 1956, you make an interesting discovery. In some cities, voters now report a somewhat larger percentage for Eisenhower in 1956 or conversely a smaller percentage for Stevenson, than was actually the case – probably in line with a tendency for voters to report to pollsters that they voted for the winner. But in two or three cities, voters report a larger percentage for Stevenson or conversely a smaller percentage for Eisenhower than was actually the case. How can this be explained? The amount of understatement of the Stevenson vote appears to relate to the relative proportion of Catholics in these cities, the greatest amount of understatement being in the cities like Hartford, Pittsburgh, Cleveland and Chicago where Catholics represent more than 60 percent of churchgoers. Does this mean that in communities of strong preference for Kennedy there is today a reluctance to indicate having voted for Stevenson? A nice question for political scientists as well as for pollsters trying to measure shifts in voter preference between 1956 and 1960.

LOUIS H. BEAN

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I'm For Adlai Stevenson

The New Republic's invitation to switch to Kennedy is doubtless all right for those who are liberals first and eggheads afterward, but some people are so peculiarly constituted that they are the other way around. For one, I believe that for the past seven years the country has suffered less from lack of liberalism than from lack of realism – if, indeed, there is a difference. I am accordingly persuaded that our most urgent need is a leader who not only knows what is going on in the world, but has a pretty shrewd idea of what it means.

Without prejudice to Senator Kennedy, I believe that Adlai Stevenson's grasp of the essentials of our present situation, at home and abroad, is firmer than that of any other man in public life in either party. And I believe, considering what we have been through recently, that this qualification is more important than any other that a candidate might possess in 1960.

The Republican Party, thanks to superior organization and more money, has frequently won with a second-rater or worse; but the Democratic Party has never achieved a signal success except when it put up its very best man. Truman? He was not only the best, he was the only man who could have beaten Dewey in 1948. Truman was no egghead, but at that he had more brain-power than a majority of his critics and – which is the supremely important thing – what he had he used.

At this moment it is worth remembering that every really damaging criticism aimed at Truman was based on his judgment not of measures, but of men. When great issues were presented he was right with astonishing consistency; but some of his appointees let him down lamentably. I think he is wrong again in his judgment of the man Stevenson. Truman calls him indecisive; but four years ago Stevenson decided not to make any effort to obtain the nomination in 1960, and he has been adamant on that point despite more pressure than has been brought upon any potential candidate since Teddy Roosevelt in 1912. Having made up his mind, he has been harder to shake than Woodrow Wilson.

But all that he has ever said is that he will not seek the nomination, not that he would not accept it with pleasure if it were offered. That is to say, he has not attempted to use his position as titular leader of the party to throw obstacles in the way of any other candidate. They have had a fair field to show what they can do. If Kennedy runs away with the nomination on the first ballot Stevenson can and will support him heartily; but he has not sunk the knife into either Johnson or Symington. Therefore, if Kennedy can't make it, Stevenson would be the logical compromise because nobody has cause to feel aggrieved by him.

So much for his position. That of the Stevenson men, however, is a little different. Some, no doubt, are more afraid of a reactionary Democrat than they are of Nixon and in view of the odds against Stevenson's nomination they may be justified in switching. But there are some who feel that Stevenson's two campaigns, although he lost, did far more to introduce common sense into national politics than the winner did. Hence they can contemplate a third experience of the kind with tranquility; Stevenson might lose, but the country would gain.

This is a bit ruthless as regards the candidate. It is, in fact, using him as a whipping-boy. But it is emphatically not to his discredit. On the contrary, it is the last full measure of confidence, implying that to lose with Stevenson is a more valuable public service than to win with a lesser man. In any event, Jim Doyle is not the only man who feels that way, not by many thousands. It may be bad politics, but it is the way the genuine eggheads are made. When they descry in the offing a man who was built by nature to cope with just such a situation as now exists, they are for him and they will remain for him whether he can be nominated or not.

The Battle Hymn of the boys of North Carolina includes the defiant pronunciamento:

> I'm Tarheel born, and I'm Tarheel bred,
> And when I die, I'll be Tarheel dead.

A similar spirit informs the embattled eggheads. I was a Stevenson man in 1952. I was a Stevenson man in 1956. I am a Stevenson man in 1960. And I suspect that when what Dr. Samuel Johnson called "lapidary inscriptions" are in order an appropriate epitaph on my tombstone would be, "He voted for Stevenson till the cows came home."

No, I don't know that he can be nominated. No, I don't know that if nominated he can be elected. But I do know that he would make a good President, and I am immovably persuaded that he would make a great one. Therefore I am for him, forward, backward, and starting in the middle and going both ways at once. And with that my duty is done.

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Freeing Captive Agencies

by James Deakin

A new mess in Washington will confront the next President. It involves the federal government's big, important regulatory agencies, which have fallen prey to the very interests they are supposed to regulate. More than two years of investigation by a House subcommittee has revealed that these supposedly-independent boards and commissions charged by law with keeping a watchful, objective eye on big chunks of the economy so as to protect the consumer, have been touched by corruption, tainted by scandal and debilitated by weak men who could not stand up under strong pressures from industry and the White House.

Items: A member of the Federal Communications Commission, Richard Alfred ("Richie") Mack, accepted $2,650 in "loans" from attorney Thurman A. Whiteside and Whiteside had urged him repeatedly to give "every consideration" to the application of a National Airlines subsidiary which wanted a television channel in Miami. Mack voted for National, then could produce no record of repayment of the loans, finally conceding that many of them had been "forgiven." Both men have been indicted for conspiracy.

Presidential Assistant Sherman Adams, the White House chief of staff, intervened with the "independent" Federal Trade Commission and the "independent" Securities and Exchange Commission at a time when they had enforcement proceedings pending against his old buddy, Bernard Goldfine of Boston.

The FTC overruled a staff attorney who "vigorously" recommended criminal prosecution of Goldfine, and the SEC hastily trotted its file on the Boston industrialist up to the White House. Later it was disclosed that Goldfine had paid $3,000 in hotel bills for Adams, had given him a vicuna coat and had "loaned" him a $2,400 oriental rug.

Chairman John C. Doerfer of the FCC sojourned in Florida's sunny waters on the yacht of broadcaster George B. Storer, who owns TV stations subject to FCC regulation and who had a case pending before the commission at the time. Placid, easy-going John Doerfer saw nothing wrong with the yacht trip; caught in the act once, the lure of the tropics proved too strong, and he did it again. This time, the White House, acting with unaccustomed dispatch, sent a limousine out to the residence of Doerfer to pick up his resignation.

James R. Durfee, chairman of the Civil Aeronautics Board, and Harmar Denny, another CAB member, joined the "Golfing, Drinking and Inside Straight Society" on an excursion to an exclusive spa at Pinehurst, North Carolina. Their transportation and other expenses were provided by two airlines under CAB jurisdiction. One, Overseas National Airways, had a major case before the board at that time. Over the protests of Sen. William Proxmire, Durfee has just been given a federal judgeship.

Disturbing as these things are, particularly in view of the vast discretionary authority of the regulatory commissions, two problems of far greater importance have been delineated by the long, often-sensational inquiry conducted by Rep. Oren Harris's oddly-named Legislative Oversight Subcommittee. They are:

1. The extent to which some of the regulatory agencies have virtually abandoned any pretense of objectivity and have become so intimately identified with the regulated industry that it is often hard to tell them apart. This is particularly true of the Interstate Commerce Commission, the Federal Power Commission and the Federal Communications Commission.

2. The deliberate policy of the Eisenhower Administration in stacking the regulatory agencies with men who could be depended on to implement the Administration's fundamental antipathy to government regulation of business. Whether this *laissez-faire* philosophy is defensible is a matter of opinion, but one point may fairly be raised: The law directs the agencies to regulate impartially, in the public interest. This is usually defined as a balancing of the interests concerned in a particular proceeding, so that no one is unduly favored. If this is accomplished, so the reasoning goes, the public will benefit. But if government and business form a coalition, the "proper equilibrium," as it has been called, is upset. The theory of countervailing power, the cancelling out of conflicting interests, is discarded.

Most of the statutes which created the regulatory agencies (beginning with the Interstate Commerce Act of 1887) merely state that the board or commission shall regulate the industry involved in such a manner as to safeguard the public interest. What constitutes the public interest in a particular case is left to the agencies; from this their great discretionary powers stem.

It is obvious that no Congress could state what price for natural gas or what train or plane fares would be in

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the public interest in the future. This is properly left to the regulators. The trouble comes when the agency begins to decide that what the industry wants is *per se* the same as what the public interest demands.

The Less the Better

When George C. McConnaughey took over as FCC chairman in 1954, he observed that he was "pretty much on record as believing in as few controls of business as possible." It worked out that way. McConnaughey had been a lawyer for the Ohio Bell Telephone Company. Under his chairmanship, the FCC dropped an investigation into the rates charged by the American Telephone and Telegraph Company for transmission of TV broadcasts. AT&T was allowed to keep a $65 million-a-year increase on long-distance telephone rates, although this gave the company a rate of return as high as 7.8 percent in one year, substantially above the usual rate of return permitted utilities.

Similarly, Robert E. Lee (no relation to the general but a protégé of the late Sen. Joseph R. McCarthy) began his first term on the FCC with the categorical statement: "I don't believe in government regulation." Lee has just been confirmed by the Senate for another seven-year term on the commission. Doerfer, who became FCC chairman in 1957, has testified that "concentration does not frighten me. If the competitive principles of this country do not take care of that situation, then we are hopelessly sunk." But in radio and TV network concentration has proceeded to an alarming degree, with the FCC standing aside passively.

The same situation is found in the FPC. Chairman Jerome K. Kuykendall, who has weathered sharp criticism of the five junkets he admitted taking on planes provided by the natural gas industry, is a staunch supporter of the so-called "fair field" price method for determining rates charged by gas producers. The fair field doctrine in effect is no regulation at all. The price of gas is determined largely by the going market price – or what the traffic will bear.

But there is no Congressional authority for the FPC to use the fair field method. In the absence of legislation, the commission is duty bound to use the normal "cost basis" procedure, under which the company calculates the cost of its service and is then permitted a fair return on its investment, supposedly about 6 percent a year but in practice frequently exceeded. "It is my conviction," Kuykendall has said, "that this utility type of regulation; that is, the method of determining a producer's investment and his operating expenses and allowing him a rate of return on his investment, is not the sensible and proper way to regulate producers."

How has this industry identification worked out in practice? The CATCO case (Cities Service-Atlantic Refining-Tidewater Oil-Continental Oil) is a good example, and there are many others. In the CATCO proceeding, four large natural gas producers sought a price of 22.4 cents per thousand cubic feet (MCF) when they applied for FPC permission to sell almost two trillion cubic feet of gas to a pipeline firm. The highest price previously paid by the same pipeline company for gas from the same area had been 17.5 cents per MCF.

FPC Commissioner William R. Connole argued against granting the higher price, contending that it would in effect become the "floor" for future prices on gas from the same area. The FPC majority, however, granted the price sought by CATCO. Millions of dollars in higher rates ultimately borne by the consumer were involved in the difference between the two prices.

If the FPC allows a high price in a certificate (application to provide new service) case, Connole said in his dissent, the inevitable tendency is for other producers in the same field to raise their prices up to the same level. Connole contended that a fair "threshold" price should be set in the certificate proceeding and producers should be required to justify any increase in a later rate proceeding. Otherwise, he said, the consumer ultimately would pay the higher price with no possibility of refund, since there are no refunds in certificate cases. The Supreme Court, when it got the CATCO case, agreed with Connole.

But Connole, considered one of the best of the recent regulatory commissioners, received his walking papers when his term was up because, in President Eisenhower's astounding words, he had become identified with "one particular point of view." What was this sinister point of view? The interest of the consumer, the public interest if you will.

No one seems to have drawn the President's attention to the fact that the Natural Gas Act, under which the FPC determines rates for the sale of gas in interstate commerce, states that federal regulation in this field "is necessary in the public interest."

The senescent ICC provides another example of industry identification. Owen Clarke, then ICC chairman, told this reporter in 1957 that a violation of the Interstate Commerce Act is "immaterial" if the ICC finds it occurred in a railroad merger otherwise deemed to be in the "public interest." When Clarke left the ICC, he became a vice president of the Chesapeake and Ohio.

Bernard Schwartz, the fiery New York University law professor who disclosed the Mack-Whiteside dealings as chief counsel of the Legislative Oversight Subcommittee, has said: "In the present-day ICC there is an almost complete identification of the interest of the railroads with the public interest whose safeguarding is committed to the commission. Significantly enough, the past chairman of the ICC in several addresses referred to the railroads as 'our clients', and the same

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term has been used by other commissioners."

The life cycle of the agencies has been compared to the life cycle of man. At birth and in their youth (for several of the agencies this was during the great social experimentation of the 1930's) the commissions are vigorous and enthusiastic. They regulate. It was from the agencies' earlier periods, generally, that most of the great commissioners came, men such as William O. Douglas, James M. Landis, Jerome Frank, Joseph Eastman, Claude Draper and Leland Olds.

But in time, the agencies tend to lose their regulative fervor.

"Youthful exuberance," Professor Schwartz has written, "gives way to a desire to avoid conflicts and to enjoy good relationships with the regulated industry. It is during the phase of its maturity that the regulatory commission tends more and more to equate the 'public interest' with the interests of the regulated groups. This tendency is carried to its logical conclusion during the agency's period of old age. At this stage the agency has come completely to terms with those whom it is ostensibly regulating and has accepted a more or less open alliance."

Congress intended the regulatory agencies to be independent of the Executive Branch except for the President's power to appoint the commissioners and designate the chairmen. Yet the then-chairman of the SEC, Ralph Demmler, participated at the request of the White House in conferences which led up to the notorious Dixon-Yates contract, although Demmler and everyone else knew that the contract would later come before the SEC in a quasi-judicial proceeding involving the debt financing of the Dixon-Yates operating subsidiary. FPC Chairman Kuykendall also attended many of the White House conferences on the Dixon-Yates matter, and the FPC staff helped draft the contract.

In 1956, Kuykendall, at the request of Gerald D. Morgan of the White House staff, got together with three representatives of the natural gas industry to prepare a preliminary draft of legislation to exempt independent natural gas producers from FPC regulation and thus get around the Supreme Court's decision in the famous Phillips Petroleum Company case.

(The various versions of this exemption bill have been vetoed or defeated over the years, but the FPC hasn't lost hope that it will get out of doing its work. In its annual reports, the commission continues to urge enactment of such legislation. Meanwhile, it refuses to devise a formula to regulate the price of gas at the wellhead, in defiance of the court, and as a result the backlog of cases piles up. The FPC itself has estimated the accumulation at 3,065 cases as of last year. It is so far behind in its work it may never catch up).

Sherman Adam's intervention in the operations of several of the regulatory agencies is a matter of record. One of the best-known examples, in addition to his efforts on Goldfine's behalf, concerned his request to J. Sinclair Armstrong, then SEC chairman, to hold up a commission hearing on the Dixon-Yates matter. Armstrong complied; the House of Representatives then approved an appropriation for the Dixon-Yates transmission lines without knowing of the dual role played by Adolphe Wenzell, who simultaneously advised the Budget Bureau and the Dixon-Yates combine. Wenzell was to have testified at the SEC hearing, and it was likely that his activities would have been disclosed there, before the House voted.

The importance of all this is understood best simply by understanding the importance of the regulatory agencies themselves. These agencies, particularly the "big six" – the ICC, FPC, FCC, FTC, CAB and SEC – affect the daily lives of all of us to an almost incalculable extent. They exercise quasi-judicial authority over communications media (including radio and TV stations), transportation, the stock market, advertising and dozens of other segments of the economy.

They have a voice, an important voice, in determining how much you pay for plane and train tickets and whether you get good, safe service. They figure in the size of your gas and electric bills and whether you get stuck buying bad stock or gulled by misleading advertising. They exist to guard the public, and for no other real reason (another assigned role, that of promoting the advancement of the industry they regulate, hasn't the validity it once had – these industries are more than competent to promote themselves).

But this vital "fourth branch of government" is showing cracks, strains and near-breakdowns. Louis J. Hector, when he resigned from the CAB last year, put it this way: "My experience on the Civil Aeronautics Board has convinced me that an independent regulatory commission is not competent in these days to regulate a vital national industry in the public interest."

Legislative Remedies

Congress could help by enacting remedial legislation to prohibit regulatory commissioners from accepting expensive favors and hospitality, to prevent industry "ambassadors of good will" from approaching the commissioners via the back door, to end excessive fraternization between regulator and regulated, to limit "informal adjudication" insofar as possible, to speed up the administrative process and to tighten things up.

But time is running out on the legislative proposals which have been advanced in the aftermath of the regulatory scandals. It is not in the cards that any broad or penetrating reforms will be pushed through an election-year Congress intent on other things. As a matter of fact, the one bill which has passed the House as a direct

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result of the regulatory agency investigation (it has little chance in the Senate before it recesses) deals with only one aspect of the regulatory problem, and that only indirectly. This measure would outlaw "payola" and rigged quiz shows on radio and TV. This is useful, to be sure, but payola is essentially a problem for disk jockeys, station managers and, presumably, the Internal Revenue Service. The bill does as much for the regulatory agencies as the U-2 did for the Summit. And the FCC could have cracked down on payola years ago anyway. But the commission has steadfastly displayed a curious timidity about suggesting to the broadcasting industry that it do anything it might not want to do, such as improving its programs.

This despite the fact that radio and TV stations do not own the frequencies on which they operate. The frequencies (or channels) are a national resource, public property. FCC licenses to use the airwaves come up for renewal every three years, giving the commission a tremendously potent weapon with which to compel broadcasters to select their program fare responsibly, with due consideration to quality. But for 26 years the FCC has not been willing to use, *or even to threaten to use*, this "sudden death" clause to force an improvement in programming; this would be "censorship."

In an effort to prod the FCC into action by removing its excuse that license revocation is the only enforcement power it has and that this is too severe when it comes to programming, the Legislative Oversight Subcommittee and the parent House Interstate Commerce Committee included in the payola bill a provision giving the commission authority to suspend broadcasting licenses for up to 10 days and to impose a fine of up to $10,000 for violations of federal law. But the FCC already has the power to improve programming, if it were willing to use it.

More recently, the Interstate Commerce Committee, also headed by Representative Harris, reported out a sweeping "anti-influence" bill aimed at preventing off-the-record approaches to regulatory commissioners in contested proceedings. Criminal penalties would be provided for those who sought to put pressure on commissioners outside the hearing room, without the knowledge of the other parties to a case.

This would get at one shabby practice in the regulatory field, and it would help to prevent the industry-government combinations which impair the proper functioning of the "balance of interests" theory, to the detriment of the public or competing applicants. Such approaches have been especially prevalent in the FPC and the FCC. In the Thomas G. Corcoran-Tennessee Gas Transmission Company case, for instance, N. W. Freeman, president of the Tennessee Gas subsidiary, testified that it is a common practice in his industry for *ex parte* approaches to be made to FPC members.

One of the most important provisions of the anti-influence bill has escaped general notice. It deals with a very large "joker" in the Administrative Procedure Act, the law governing the operating procedures of many agencies, including the regulatory commissions. Section 5-C of this act prohibits *ex parte* contacts except in certain necessary instances, but after apparently accomplishing that worthy purpose, the act states: "This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency."

In other words, *ex parte* representations are prohibited, but everyone is exempted from the prohibition. To close this loophole, the new bill in effect would strike out the language quoted.

Up to the White House

There is little chance, however, that the anti-influence measure will be enacted at this session. And even if substantive legislation is put through next year, one glaring difficulty will remain, and it is the key to any real improvement. It concerns the caliber of the men chosen to serve as commissioners.

Only the President, with the power of appointment, can so arrange things that the agencies are composed of men of integrity and intelligence, rather than men who have no real interest in enforcing the law and hacks who find it hard to resist undue suasion. All the scandals, all the one-sided decisions, in the final analysis, come down to this human element.

To assume that the next President will earnestly try to restore independence to the agencies is to presuppose a big "if." The President, or, equally important, the men around him, his chief domestic advisers, will have to be deeply convinced of the need for improvements and be tough-minded and politically savvy enough to bring them about.

In almost eight years in office, the Republican Administration under Dwight Eisenhower has had ample time and opportunity in which to name Republican majorities to the regulatory agencies, and it has done so. Politically, there is nothing reprehensible about this; it is an accepted partisan practice. Moreover, as serious students of administrative law have pointed out again and again, it is the type of men appointed to the commissions, not their party affiliation, that is all-important. The regulatory commissioner, above all, must believe in regulation – otherwise it would be better to abolish the agencies and start over, perhaps with an administrative court of the United States.

If the next President is a Democrat and it is only a

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Democratic majority on the regulatory agencies that he is interested in, he will be able to get his majority fairly early in his term. This is because the political party in control of the Executive Branch is allowed by law a one-vote majority, and no more, on the regulatory commissions. The terms of members are staggered, expiring at regular intervals.

A Democratic Chief Executive could "take over" several of the agencies, on a strictly partisan, one-vote majority basis, in his first year in office, and all of them, probably, by 1962. He simply would wait for terms to run out and then fill the vacancies with his own men.

But this would not necessarily repair the shattered reputations of the agencies and restore forceful, impartial regulation. To do that, men who believe in regulation and have the courage to regulate would have to be appointed; weak, unfit incumbents weeded out.

It is important to bear in mind, too, that one-vote majorities on the commissions would not guarantee strong regulation, for this requires *substantial* working majorities which share the same general beliefs and attitudes. To achieve this kind of majority, the President, if he did nothing but wait for terms to expire, would have to wait several years – unless he managed to speed things up a bit.

There are obstacles to speeding up the clean-up, but they are not insurmountable. Ironically, the power of appointment, wielded by Mr. Eisenhower to weaken regulation, is the only power that his successor could legitimately use to reverse the pattern. But there are shades to that legitimacy.

The Supreme Court held in 1935 that a President may not summarily remove a regulatory commissioner over differences of policy or philosophy but only for the causes specified in the statute which created the agency, usually neglect of duty or malfeasance.

This being the case, how could a Chief Executive determined to improve the agencies move rapidly, without waiting in every instance for a term to expire? The answer lies in the vast powers of the Presidency in the hands of a man willing to use them.

Although technically independent of the Executive Branch except for appointments, the regulatory agencies nevertheless clear their appropriation requests with the Bureau of the Budget. A few of the chairmen have said they would go to Congress if their money requests were cut too sharply by the budgeteers, but this defiance is not taken seriously. The power of the purse, then, is a Presidential weapon.

The President designates the chairmen of all the "big six" agencies except the ICC and can remove them at will from the chairmanship, although not from the commission itself. All things being equal, the chairman usually exercises influence in varying amounts over his colleagues. A chairman dependent on the President could be expected to listen to him when it came to putting pressure on a recalcitrant commissioner. The line is close between unwarranted interference by the Executive and the imperative need for better regulators, but it would not be the first time in politics or government that the ends had justified the means.

The President could offer a reluctant commissioner a post on another, more innocuous agency. In appointing Thomas J. Donegan, an ex-FBI agent, to the FPC to succeed Connole, Mr. Eisenhower reached over and plucked his man out of the Subversive Activities Control Board. The process could be reversed by a strong President – giving a regulatory commissioner a rest cure on a quiet beat in the sticks and thus make way for an abler man. And he has other persuasive tactics at his disposal. Commissioners are appointed with the consent (usually) of their home-state Senators. A President wise in the ways of practical politics could put pressure on a Senator, most likely using the patronage weapon, to in turn put the heat on a commissioner from his state. Or say that the President wants Commissioner A to resign. Commissioner A's colleagues depend on the President for reappointment when their terms are up. They are told more or less subtly that their own futures may not be bright if they don't have words with A. They get the message.

The President's Weapons

What all this boils down to is the hard-to-define but nonetheless real power of a strong, determined President. The prestige and authority of a Chief Executive who knows how to use his office can be resisted by few men in subordinate positions.

This, of course, cuts deeper. Having appointed good regulators, could a strong-willed President keep hands off as they set about the business of regulating? The present set-up provides no meaningful safeguards against unwarranted Executive interference, as the last eight years (and some episodes in the Administration of Franklin Roosevelt as well) have shown. Unless effective means can be devised to draw the line between legitimate Presidential concern and unjustified meddling, the convictions and good faith of the President will continue to be the only guarantees.

The Eisenhower appointment pattern on the ICC provides a good example of the difficulties a "strong regulation" President would face in trying to strengthen the agency through his appointment power. The ICC has 11 members who serve seven-year terms. At present, there are six Republicans and four Democrats. To fill the Democratic vacancy (it could, under the law, go to a Democrat or an independent, just so long as it was not filled by a Republican), the President has nominated Timothy J. Murphy, a Boston lawyer. Murphy

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probably will be confirmed at this session over the protests of some Senators, who are aware that the Democrats have been euchred.

Murphy says he is a Democrat, but he seconded Vice President Richard M. Nixon's renomination at the GOP National Convention in 1956 and he says he probably will vote for Nixon this year. Nevertheless, he has been nominated to the ICC as a Democrat. When the next ICC term expires (that of Chairman John H. Winchell, a Republican) on December 31 of this year, another Democrat could be appointed by a Democratic President. This would make the line-up, at least nominally, six Democrats and five Republicans.

But assume that Murphy tends to vote with the Republicans. This would preserve the six Republican-five Democrat alignment in the deciding of cases, where it counts. A Democratic President would then be in the strange position of being unable to appoint another Democrat when the next term expires, that of Republican Kenneth H. Tuggle on December 31, 1961. To appoint a Democrat to succeed Tuggle would violate the law, since with Murphy a Democrat in name, it would give the ICC seven Democrats and four Republicans. This difficulty undoubtedly would be resolved by the appointment of an "independent" with strong leanings in one direction. But the President still would not have effected a *working* majority.

Who Retires When?

The situation on the other five of the "big six" agencies looks like this:

FCC: Lee's confirmation for another term preserves the present line-up, three Republicans, three Democrats and one vacancy created by Doerfer's resignation. Mr. Eisenhower has nominated Charles H. King, dean of the Detroit College of Law and a Republican, to fill the vacancy. If King is not confirmed before adjournment, he presumably will be given a recess appointment good until Congress reconvenes. A Democratic President thus could name a fourth Democrat in January or any time thereafter and obtain a one-vote Democratic majority.

FPC: A complicated situation has been created by Mr. Eisenhower's refusal to reappoint Connole. The FPC's five members serve five-year terms. There are now three Republicans and two vacancies, one resulting from Connole's departure and the other from the death of John B. Hussey, a Democrat. (Connole is an independent.) Donegan has been nominated to succeed Connole and Paul A. Sweeney, a Democrat now with the Justice Department, has been named to succeed Hussey.

If both Donegan and Sweeney are confirmed at this session, the first appointment by a Democratic President would open up when Republican Arthur Kline's term expires next June 22. This would give the commission two Democrats, two Republicans and one independent, Donegan. A one-vote Democratic majority could be obtained when the term of Chairman Kuykendall, a Republican, expires on June 22, 1962.

If Donegan and Sweeney are not confirmed before adjournment, and in all likelihood they will not be, they probably will get recess appointments. A Democratic Chief Executive could then name two Democrats in January and another shortly thereafter to succeed Kline, for a one-vote majority.

FTC: Chairman Earl W. Kintner's term will expire next September 25. He has been renominated, but the Democrats are aware that if Kintner, a Republican, is confirmed at this session, there could not be a one-vote Democratic majority on the trade commission until Republican Edward T. Tait's term expires in 1963. Kintner probably will not be confirmed before adjournment, making a Democratic appointment possible in January. FTC members serve seven-year terms. There are now three Republicans and two Democrats.

CAB: The CAB has five members serving six-year terms. There are now three Republicans and two Democrats. But one of the Republican members is John S. Bragdon, a retired Army Major General, who has been confirmed for an unexpired term which will run out next December 31. This means that a third Democrat could be named in January.

SEC: With no nominations pending, control of the SEC could not be wrested from the Republicans until James C. Sargent's term expires next June 5. The SEC has five members who serve five-year terms. There are now three Republicans and two Democrats.

If Nixon wins the Presidency, all bets are off, of course. Unless he wanted to promote stiffer industry regulation he would merely let the present line-ups stand, appointing or reappointing Republicans as Republican terms expired, Democrats or independents as the minority terms ran out.

Nixon has not been publicly recorded on the issue of tighter regulation, so far as this writer knows, but he is generally thought to have been instrumental in obtaining the appointment of Donegan to the FPC. And Donegan says his only acquaintance with utility regulation consists of having paid his gas bill faithfully.

AFTER THE CONVENTIONS

US foreign economic relations as the central problem likely to test Presidential leadership will be considered following the conventions in the concluding article of The New Republic *series on the '60 campaign by Selig S. Harrison.*

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Fashion Forecast - 1960

Eve Merriam: text

Robert Osborn: drawings

The dashing haberdasher look: featuring ties that bind for party, state and all-occasion wear. Available in an extensive range of patterns including almost every variety except coexistence configurations. Displayed most effectively on suits with high hold-'em-harry lapels that are sturdily machine-stitched, thereby furnishing the wearer with durable gripping power. Guaranteed through many washouts, although tending to fade in California sun.

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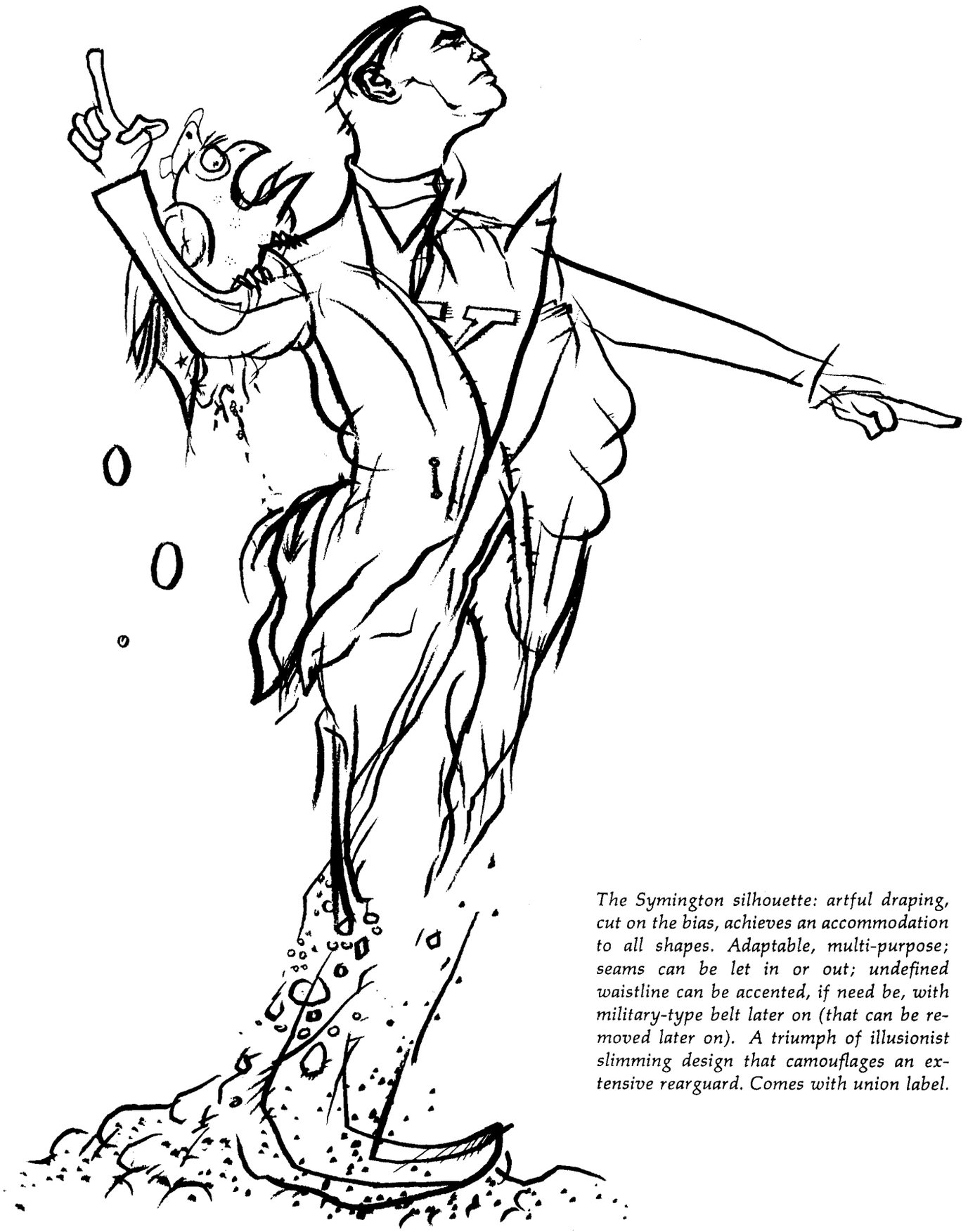

The Symington silhouette: artful draping, cut on the bias, achieves an accommodation to all shapes. Adaptable, multi-purpose; seams can be let in or out; undefined waistline can be accented, if need be, with military-type belt later on (that can be removed later on). A triumph of illusionist slimming design that camouflages an extensive rearguard. Comes with union label.

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The boyish bang of the youthful Jackie bob is out. Newly in: the sophisticated, more worldly Mr. John coiffure – sweeping high and clear to reveal a thoughtful Galbraith-Commager-Schlesinger brow. Extremely becoming when tinted with a streak of Silver Statesman Gray at the temples. Requires constant spray to hold intact, and color needs retouching from time to time; nevertheless, pre-tests in Wisconsin, West Virginia and other areas show that this hairdo is highly flattering to wearer and helps hide figure faults below the hairline. Needs little further promotion; could be a major style-setter.

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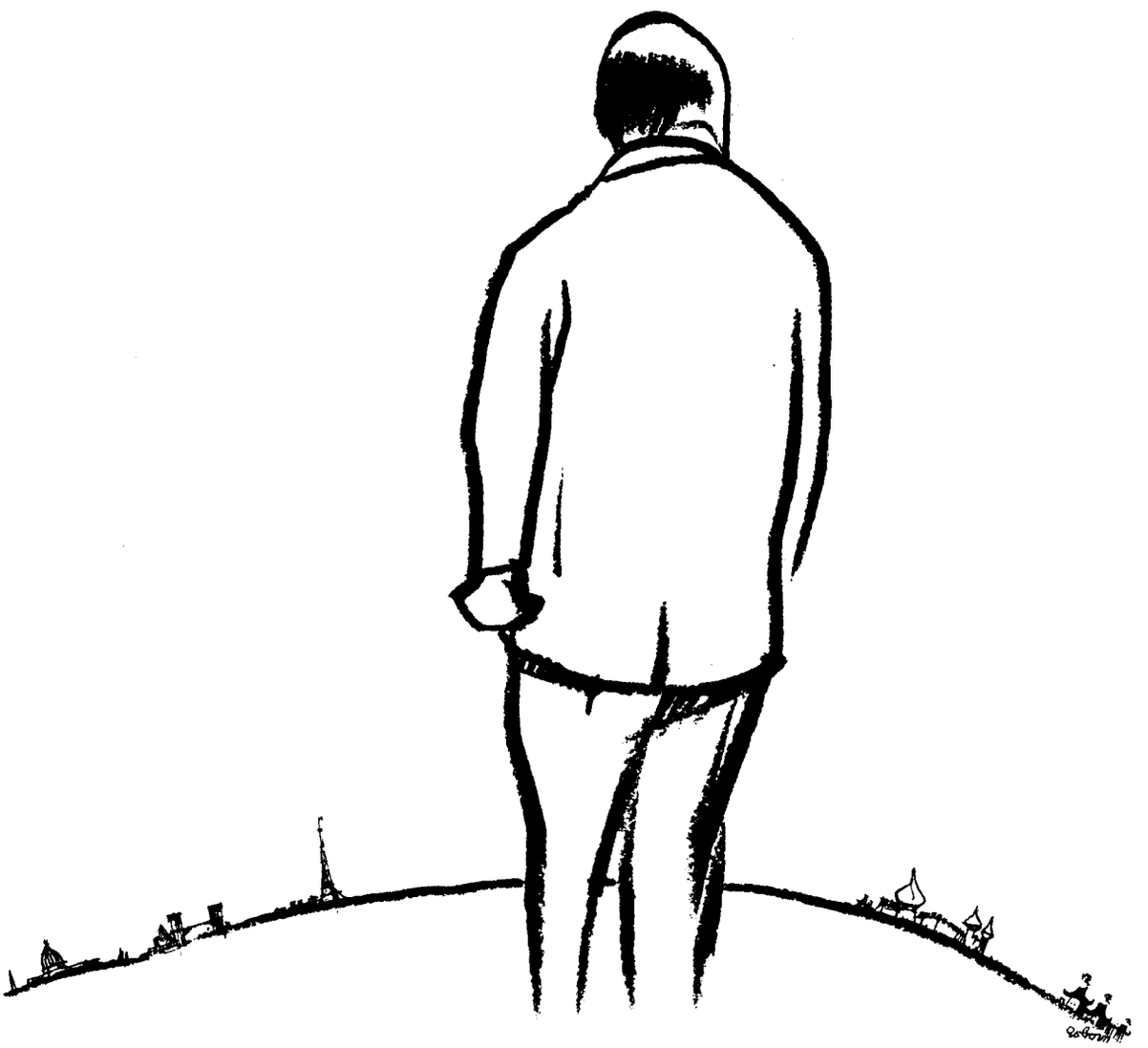
The Stevenson natural shoulder line: do not overlook this in placing advance orders. The old-fashioned, over-padded arms look is beginning to pall in some influential quarters, and this easier, more relaxed style – although not new, and although displayed without success in previous showings – could yet make a distinguished comeback. Requires forceful presentation, however, to persuade buyers that this natural line will not descend to a baggy, saggy look after first Los Angeles showing. When properly tailored, welfare pleats can take up the slack. This model must be believed in before it can be seen.



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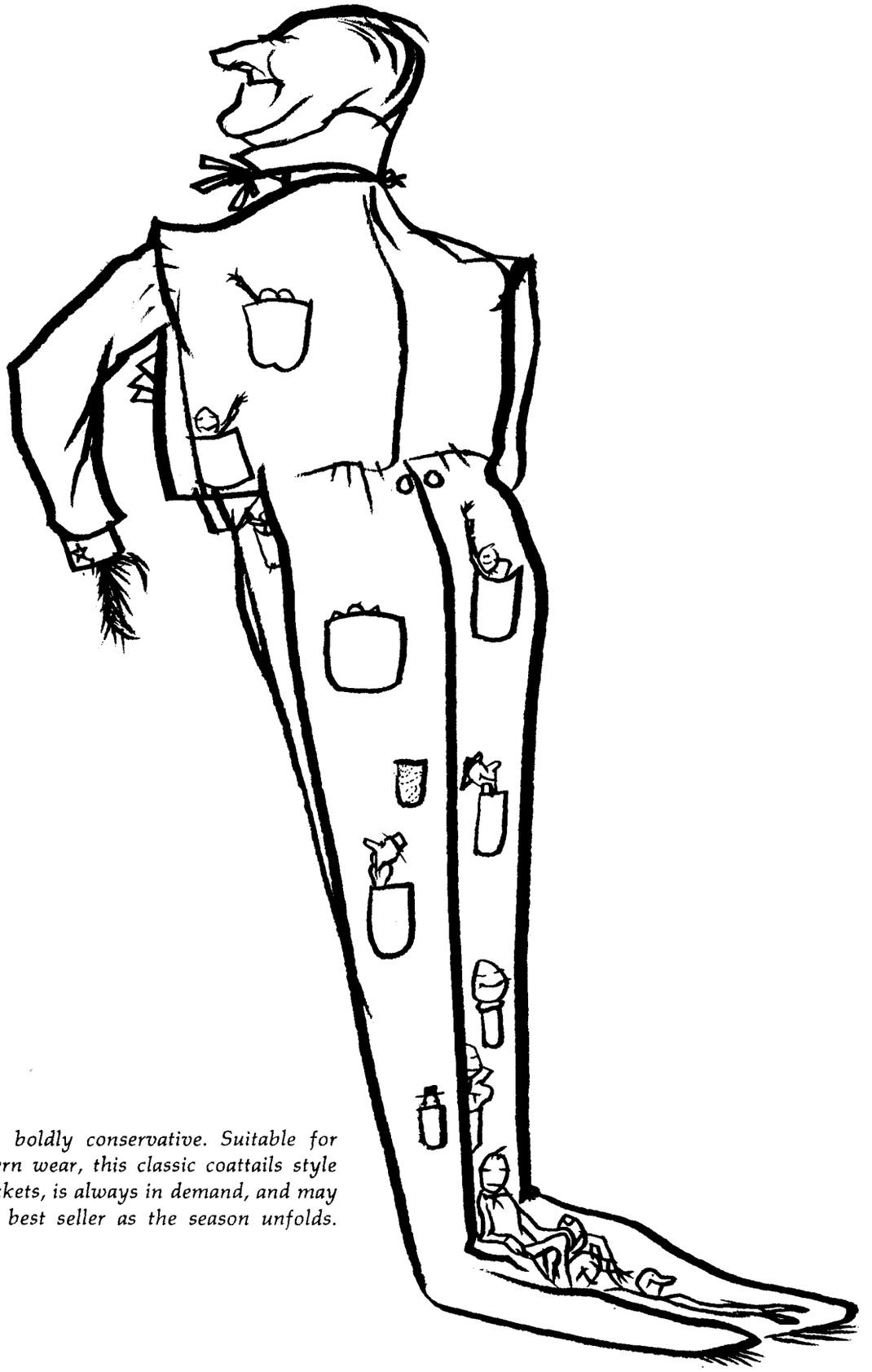

The Lyndon look: boldly conservative. Suitable for Southern or Western wear, this classic coattails style has a wealth of pockets, is always in demand, and may become a surprise best seller as the season unfolds.

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On the fabric front: a new miracle fiber, nixon, has been developed that is considered to be superior in all ways to dacron, nylon, orlon and banlon. Nixon is waterproof, impervious, and reversible in midstream. Although inclined to piling and shedding of principles, the weather-proofing process does not seem to be affected. Makes up most dramatically into a military cape that covers up the outdated summit sheath. If the weather warms up, cape can be discarded and the summit sheath refurbished. Laboratory tests indicate that nixon is practically shrinkproof, but inclined to stretch and dip to the right. This limitation can be offset by bulking with center tucks and gathers and by use of liberal fringe material to distract the eye.

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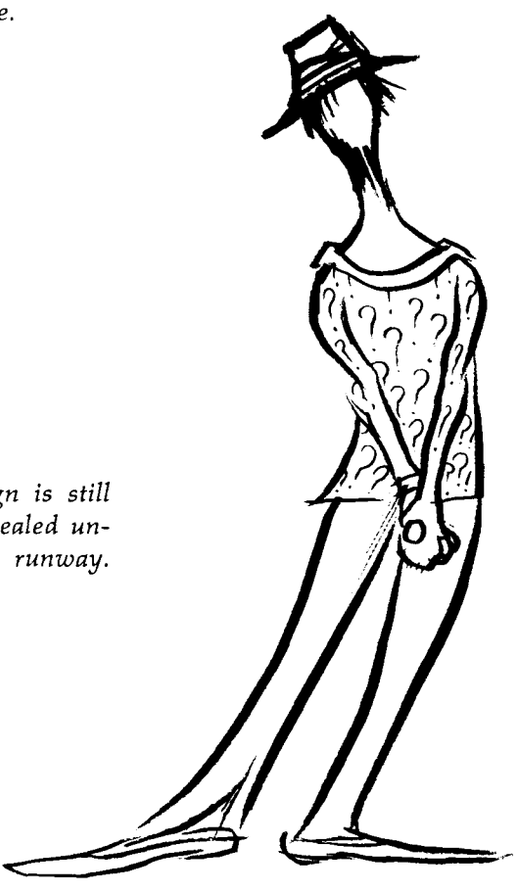
The Nelson chapeau: sponsoring a rich, well-sheltered look with top executive appeal. Pliable brim is designed to go sportingly from gubernatorial breakfast through convention cocktails to White House hosting. While this double-play effect may not catch on in mass popularity this year, it might take second place in current wardrobe plans and work up to primacy at a later date.



The line of last resort: this mystery design is still being held under wraps and will not be revealed unless all other models have left the fashion runway.

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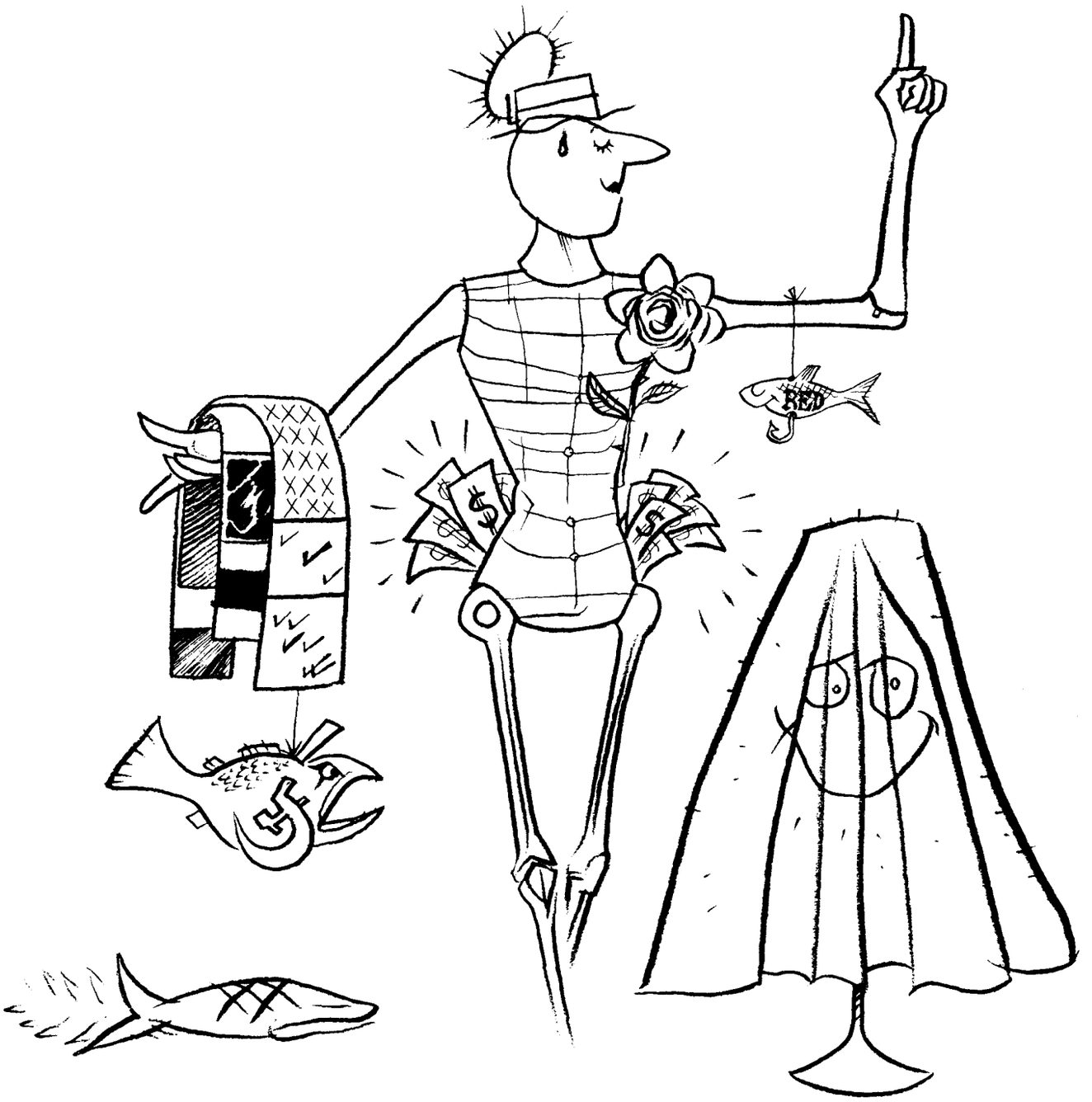

Colors to watch for: High moral tones. Religious overcasts. California Brown, a novelty shade, favored for quick one-time window display; little staying power. Campaign Gold, a sunny vibrant color that will be sought out more and more, especially for television channeling; a beautifully basic shade, it creates a grand-go-with-everything ensemble effect; enhances every type of complexion; a flattering wearwithall no wardrobe should be without. Bait Red remains as an accessory highlight, but it is not nearly so important a color note as in former seasons. To be seen on all fronts: Republican Rose, a warm, richly glowing hue, clotted with peachy cream. In some lights, appears slightly jaundiced, and could be ousted in popularity by Democratic Blue – but at present this shade is handicapped by too much envy green in the paint pot and by blots of supremacy white that tend to pale the true blue.

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Poetry on the Half Shell

by Frank J. Warnke

The Western world, from Homer to the present, has seen in imaginative literature, more particularly in poetry, the chief vehicle for the transmission of tradition and value. As early as St. Jerome and St. Augustine the Holy Scriptures were dignified as poetry even as they were accepted as divine revelation. Inevitably, the rise to prominence of any new social class has been accompanied by a furious scramble to assimilate the literary awareness on which

The Powers of Poetry
by Gilbrt Highet
(Oxford; $6)

our culture itself rests – the 18th-Century bourgeoisie wrestled manfully with Mr. Addison and Mr. Pope, 19th-Century tycoons had "The Beauties of Byron" on their parlor tables, and Ruskin explained Milton to the workers.

Gilbert Highet's *The Powers of Poetry* attempts, I suppose, to perform an analogous service for the fluid and uncertain social world of 20th-Century America. Since that world is, as Professor Highet seems painfully aware, not only ignorant of art but hostile to it, his book also joins the venerable tradition of "defenses" or "apologies" for poetry – a tradition dignified by the names of Sidney and Shelley. His book is, however, "defensive" and "apologetic" in the wrong sense; its spectacular failure as a study of the art of poetry is due, as much as anything else, to the fact that Highet seems ultimately to share something of his chosen audience's distrust of the more exalted claims of art, seems again and again to assure them that poetry isn't really odd.

Of course Professor Highet may feel that his adult-education aims require this tone. Perhaps, too, he feels that these aims justify a certain amount of inaccuracy; it is otherwise difficult to understand the quantity of sheer misinformation in which his book abounds. As a trained scholar Highet is surely aware that Shakespeare dwells on the complexion of the dark lady of his sonnets not because "England . . . has always preferred blondes" but because Petrarchan convention had for two centuries decreed blondness in the beloved. As a historian of letters he surely knows that the old myth which attributed Keats' death to hostile reviews has been exploded, but he repeats the legend without a quiver. In the first case he perhaps feels that there is no point in burdening a non-specialist audience with scholarly trivia; in the second case he perhaps wishes to move hearts by old, established methods. I can't however, think of any reason he might have had for referring to a quatrain of octosyllabic couplets as "ordinary ballad measure." It's just plain wrong.

On second thought, the inaccuracies in *The Powers of Poetry* are more likely the result of an imprecision of thought and crudeness of attitude which are abundantly present in Professor Highet's observations on matters non-poetic. We are reminded, for example, of "some aspects of the Italian character – in particular, the treacherous cunning which we know from the Mafia." So much for the Italians. A little later on, a reference to "the intellectual with his nagging sense of inadequacy and frustration" fixes another set of wagons. But my favorite example of the generalization unleashed comes in the chapter on the Japanese *haiku:* "Yet the oddest thing about these exquisite poems . . . is that they should have been produced by a nation which is also capable of beastly treachery, violence, and cruelty." Come to think of it, there's something odd about Inquisition Spain producing the universal wisdom of Cervantes and the spiritual insight of Calderon, or Germany producing a Hitler and a Rilke at nearly the same time – or, for that matter, a nation in which lynching and mob violence are not unknown producing the delicate art of Emily Dickinson and Wallace Stevens.

Professor Highet's generalizations may be, at times, a little annoying, but his chapters on poetic technique are a sheer delight. He's especially interested in alliteration: "*s* shows hatred, *t* disgust, *l* and *v* soft affection, and so forth." As we continue, we discover that *s* has become "the letter of disgust and sinister cunning," and a page later simply a "soft" sound. The point behind these contraditions is, of course, that *no* sound can have any meaning or even any emotional load *in itself*, though Highet maintains that it can. Alliteration is a device for reinforcing meaning through the mere fact of repetition; the repeated sound takes on whatever emotional color its context implies. (Spenser, in a portion from *The Faerie Queene*, uses that *s* of hatred, disgust, sinister cunning or whatever in a passage noted for its pleasant, dreamy softness, and the same poet has the bad grace to use alliterations of *f* – "quiet, mute, like a tiny breeze blowing" – almost exclusively in passages of battle and violence.)

The chapter on rhythm, after a few sound observations on the verse of *Paradise Lost*, occupies itself with respectable third-rate poems of the hopsasatralalala variety – things like Browning's "How They Brought the Good News . . ." As the book proceeds, we find that Highet has a fondness for the less-than-highest. Oh, Shakespeare gets his due (though Highet doesn't think much of the sonnets), and the greatest are treated with respect, but we get the feeling that the author really prefers Dylan Thomas to Eliot, and we finally come to the astonishing assertion that Yeats "never managed to produce a single great work of poetry." For all his honest sympathy with the passionate weaknesses of a Burns, a Thomas, or a Housman, Professor Highet has, the chapter on Yeats woud indicate, little feeling for that deeper agony of spirit with which the greatest artists pay for their wisdom (one remembers, a little reluctantly, his brutal and inaccurate

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radio reference a few years ago to Virginia Woolf's having "finally succeeded" in committing suicide).

Modern poets are, of course, not yet fixed in any definite pantheon, and there are critics who would agree with some of Professor Highet's emphases. It is in the chapter on "light poetry" that the deeper weaknesses of *The Powers of Poetry* come relentlessly to the surface. For here Highet simply denies the distinction between art and non-art. Partly it's a pedagogical ploy – "If you like Ogden Nash you can't say you don't like poetry" – but the confusion is essentially more pernicious than that, as we see when he clarifies his position by an analogy with music: "Both Richard Rodgers and Samuel Barber are American musicians. One is not necessarily inferior to the other because one is gay and romantic while the other is mainly serious." He goes on to point out that Haydn and Richard Strauss were fond of fun and jokes in their music (one would love to know what Professor Highet would cite as Rodgers' equivalents to *The Creation* or *Ariadne auf Naxos*), and that Byron, Browning, Eliot and others achieve comic effects. Well, no cultivated person maintains that Rodgers is inferior to Barber because he is "gay and romantic"; he is inferior because he is trivial and shallow. For the same reason Phyllis McGinley and Morris Bishop are inferior to even the less important of "serious" poets: *Le Misanthrope* differs from the Marx Brothers' admirable *Night at the Opera* not in degree, by God, but in kind.

This chapter on light verse is worth some consideration, for it explains some of the mysteries of *The Powers of Poetry* – why, for example, "Oh What a Beautiful Morning" is cited repeatedly as a definitive example of lyric verse, haunting the entire volume with its tawdry folk-phoniness. It cannot be that Professor Highet is devoid of a sense of values; it cannot be that, by feigning an enthusiasm, he is trying to win the confidence of an audience which he secretly patronizes. One is driven to the conclusion that Professor Highet, good citizen of a democratic republic, has made the confusion that others have made before him, and has read "all men are created equal" as "every man's as good as the next man," with all its depressing corollaries about highbrows who like art and scorn the healthy virtue of popular culture. Shelley, the last poet whom Highet quotes, knew better.

The Problem of Eternal Life

by David Cort

What will be the emotional effect on the average person of learning that the measure of his lifetime probably lies in the 60,000 miles of blood-vessel capillaries in his body? What is anybody to do with a conscious responsibility for a system that would run quarter-way to the moon? Would we want to know the facts of life, even if they were really available?

Yet the whole matter of the aging and then shutting off of life is perhaps the central one for everybody. Since one can hardly put absolute trust in doctors or scientists, it may be as well for the rest of us to look over the data. One may have an occasional reservation about de Ropp, an English biochemist lately turned American, but his data are fascinating and worth summarizing.

Man Against Aging
by Robert S. de Ropp
(St. Martin's; $5)

Why death is inevitable is not yet understood, though we seem to be getting close to some answers. There are things like the sea anemone that may perhaps live forever. The swamp cypress and sequoia live for three or four thousand years, their centers dead, but the sap zone inside the bark perpetually renewed. Some tortoises and sturgeon live up to 200 years (growing continuously to the end, their flesh remaining tender); a crow and vulture have lived over 100 years; the Asiatic elephant 70; a particular horse to 62; and so on. (These latter early attained their full growth; and their flesh grew dry, tough and fibrous.)

Man has done best, of all the hot-blooded creatures. Old Parr in Charles

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Summer Schedule

During the summer months, *The New Republic* will not appear on the following dates:
July 4 August 1 August 22
September 5

Weekly publication will be resumed with the issue of September 12.

I's time was making love at 140 and lived to 152 on a diet of cheese, milk, coarse bread and some alcoholic sour whey. He was then given a lord's dinner by the Earl of Arundel and immediately died of it. The Dane, Christian Drakenberg, lived a very hard life from 1626 to 1772 – 146 years. The Turk, Zaro Aga, claimed 156 years on his death in 1934. The Venetian, Cornaro, lived from 1464 to 1566, on a diet *per diem* of twelve ounces of food and fourteen of wine.

The parts of the human body have different calendars. The ear is mature and begins to decline at the age of ten, the eye soon after, the male sex function at 18, the muscular system at 25, the sense of taste at 40, the sense of smell at 60; while the liver and adrenals normally show very little degeneration. The whole show depends on the arterial system and heart. Their job is impaired by hardening of blood vessels, narrowing of blood channels and the drying and hardening of the jelly-fiber mixture that lies between the cells. This is what makes old chicken or beef tough; it evidently does not take place in fish.

Various experiments and observations cited by de Ropp would lead one to summarize a formula for long, or even eternal, life: be born of a young mother; grow slowly (unlike American children who are overfed for rapid growth); grow continuously until death (impossible for mammals); hibernate a part of every 24 hours (impossible for humans: at a temperature of 80° F. the human heart may get out of rhythm, "fibrillate"); have unspecialized cells with a big nucleus and small cytoplasm; keep moist; take juvenile hormones (tried on caterpillars successfully); take sex hormones (but side-effects may include cancer); feed on something like royal jelly that multiplies the queen bee's life tenfold; breathe only pure mountain air. Each has worked for something somewhere.

Raw nature does not tolerate any senescence at all; it quickly kills off the animal with slowed reflexes; only a tiny fraction of the animal population is granted a full life-span. But even prehistoric man probably had a life expectancy of 20 years; Hindus in 1910, 23 years; Ancient Romans, 25 years; Yankess in 1789, 35 years; and Americans today 73 for women, 67 for men. In 1950, in any large group of Americans, 78 percent could expect to be alive at 60, 59 percent at 70, and 30 percent at 80. These are very desirable figures, though they include no Old Parr, and they suggest that man may yet further defy cruel nature.

This recurring dream of rejuvenation, as de Ropp gives its history, provides some solid if heartless laughter, for here is man at his most humbly pathetic. Most recently the dream has taken the form of cytotoxic serum or ACS, novocaine therapy (dangerous), injection of cells from newborn lambs, and the hormone replacement therapy, which might be promising for women, who cease, after the climacteric, to produce the hormones estradiol and progesterone.

The dream is still a dream, but its solid rationale is that most organs remain good enough for another 50 years of life, if only one factor in the body could be changed; and the problem is to find that factor. It may lie in the pea-sized pituitary at the bottom of the brain, whose output gives key signals to other organs; or perhaps even deeper in the brain, in the hypothalamus, which may give the signals to the pituitary. It may lie in the pancreas' enzyme secretion, elastase, which may control the vital elasticity of the arteries; the young pancreas produces 208 units of it per gram of tissue; the old pancreas only nine units. De Ropp grows excited about the drug companies' race during the fifties to develop a safe adrenocortical hormone: "Lederle chemists took up the ball. A hydroxyl group was tacked onto the Squibb hormone. Result, triamcinolone, Aristocort, the aristocrat of the hormones." His feeling is legitimate, since he is a chief of chemistry research with Lederle.

Toward the end the book suffers from a failure to review these half-charted trails toward eternal life; instead, it monotonously reviews ways of dying, of which nobody will sample more than one or two. Interest is revived by a description of the brain nerve cells, which require a quarter of all the oxygen used by the human body, and depend on the presence of vitamin B^1, niacin, riboflavin, piridoxine, and glucose.

In this final chapter, "The Art of Aging," I was somehow exasperated by an impression of contempt for people so stupid as to have been born before 1900; yet Dr. de Ropp is already 47 himself. On a second reading, I find few actual statements to support the impression, except that generally grandparents are terrible people, and "the golden age for creative achievement appears to be the thirties." My own opinion is that children without living grandparents have been deprived of something very valuable; the golden age may be the

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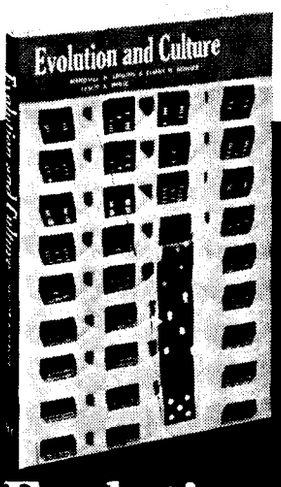

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NOTES ON CONTRIBUTORS

Frank J. Warnke *teaches English at Yale.* David Cort *is the author of a new book,* Is There an American in the House?

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twenties, forties, fifties or sixties, but probably not the thirties, at least not for a family man or woman.

In the matter of how the aging should handle their lives, he is apparently sensible but also objectionable: forget sex and concentrate on "gardening, horseback riding, swimming, and suitable gymnastics." After the numerous delights of the first 200 pages, we find ourselves in a newspaper advice column; Dr. de Ropp is simply not qualified for this metier. Perhaps an editor insisted on these unfruitful conclusions, which are not at all what a reader of the first 200 pages is looking for.

Certain readers will have been waiting for this book, for it consolidates material that is generally fragmented. The author keeps referring to Aldous Huxley's *After Many a Summer Dies the Swan*, perhaps the hoarsest laugh ever guffawed at old age and its lecheries; and the faint echo of that guffaw is perhaps the flaw in Dr. de Ropp's tone of voice; he is not naturally a joker.

Correspondence

The New Republic *welcomes communications in regard to subjects of current interest. Those of 300 words or less are most suitable for publication.*

The People's Choice

Sirs:

Your editorial of June 20 is addressed to those who prefer Adlai. There is no longer any reason for my staying out of a debate solely because I have been associated in the past with Governor Stevenson and because he himself has gone to such lengths of nonparticipation. I have never changed my view that he is the man best qualified for the Presidency. That he will not seek the nomination does not foreclose in my opinion the possibility of the nomination seeking him.

I have no quarrel with your endorsement of Senator Kennedy. But I do object strongly to your assumption that the alternative to Senator Kennedy's not receiving a convention majority would be its going to Johnson or Symington. I don't believe that is true when Adlai Stevenson is available.

I believe that the vast majority of Americans recognize that Stevenson as you yourself point out in your editorial is even better equipped to head the country and the free world than he was in 1952 and 1956 when you and millions of other Americans supported him, and that his stature abroad is "towering."

There are only two issues that matter this year: the relationship between the nations and the relationship between the races. It is unthinkable that the importance of these issues won't weigh heavily on every delegate when the final choice of candidate is made.

Under these circumstances, it seems clear to me that should Kennedy not be nominated the only practical alternative is Stevenson. But this is conjecture, yours and mine. I prefer the position that the time never comes for settling in advance for less than the best.

Jane Dick
National Co-Chairman Volunteers for Stevenson, 1952-56
Lake Forest, Illinois

Sirs:

The quality of some of the letters of protest published in *The New Republic* of June 27 demonstrates about as well as anything can the wisdom of your stand in endorsing Jack Kennedy. Having in all likelihood denounced Eisenhower during recent years for his alleged old age and decrepitude, some of these correspondents have suddenly developed an almost Confucianist concern about conferring our highest office upon a presumably "untried" youth, who, surprisingly in the context of these letters, has served in the Congress for fourteen years. One letter-writer suggests that Kennedy is disqualified on the grounds that his "life has been sheltered"; apparently the shelter did not extend to the South Pacific where Kennedy served with heroism while some of your ancestor-worshipping correspondents were probably still conjugating irregular verbs. We must admit, in response to one letter-writer, that Kennedy associated with "clowns and buffoons" (and voters) on the Jack Paar show; there Jack (Kennedy) gave a crackerjack performance as a political educator and, incidentally, refused pointedly to ban Adlai Stevenson from his potential cabinet.

It's wonderful to have an old friend like *The New Republic* give its grave and mature nod to fuzzy-cheeked Jack Kennedy.

Richard D. Cudahy
Northfield, Illinois

Sirs:

I am taken aback by your seemingly reluctant endorsement of Senator Kennedy for the Democratic nomination. By your own admission he is no better than your third choice (he is my fourth, behind Humphrey). I was certain *The New Republic* was the one publication that would stand firmly behind its highest principles.

You seem to think that if Kennedy fails, the convention would naturally turn to Johnson or Symington, and never to Stevenson. Why? The whole campaign of the Stevenson movement is based on the idea that a deadlocked convention would turn away from the active candidates to Stevenson in the light of the tremendous grass-roots support for him. Are you unaware of this grass-roots movement? There are varying reports of between 40 and 47 states with "Draft Stevenson" organizations.

I wait eagerly to hear what Gerald Johnson has to say.

James Norvell
Chicago, Illinois

Sirs:

I consider your stand premature, needless, and unwise. Stevenson *can* be nominated. He can also win . . .The bosses may be for Kennedy. But they were for Champ Clark in 1912 and Woodrow Wilson was chosen because the country wanted him and told the delegates it did.

George R. Garrett
New York, N.Y.

Sirs:

Your editorial "Those Who Prefer Adlai" tenders to your readers a clear objective view of the Democratic Presidential contest. It is difficult to vision Ray-

"MASS EXTERMINATION *is despicable. But should we sanction an effort by Pope John to abduct, bring to trial within the Vatican boundaries, and execute La Pasionaria for systematically torturing and killing members of the Catholic clergy in Spain? The moment has come to say: Do not, in the heat of passion, honor Adolf Eichmann by permitting him to become, through the response to his corruption, an instrument for corrupting the guardian processes of the law.*"

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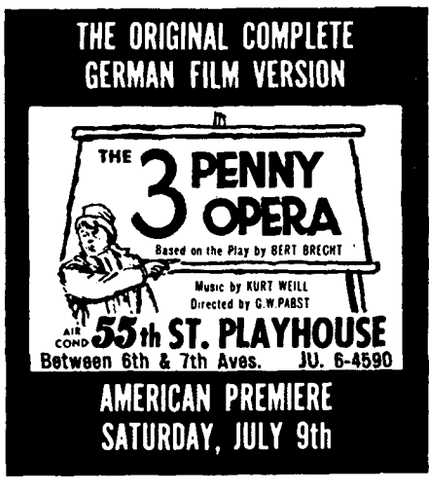
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burn, Truman, Byrd, and Mansfield turning to Stevenson as a compromise. It becomes apparent that the only way to "stop" Johnson is to "go" with Kennedy.

Charles S. Phifer
Sunland, Calif.

A National Disgrace

Sirs:

A number of librarians, teachers and parents have taken me to task for objecting to the new easy-to-read texts (which I called in my review of May 9 the *I-Can't-Read-And-I-Don't-Care-It's-Fun* books). That I am not alone in my opinion that an emphasis on a minimal vocabulary is a national disgrace, however, is shown by the fact that my remarks are quoted with approval in the current bulletin of the Council for Basic Education. I have been around to enough libraries in the country reading and talking to children to know what a debt we owe most librarians for the effort they make to put the best books into circulation. But I have also noticed with regret that, especially for beginning readers, many librarians are reluctant to recommend any book that presents difficulty. Slow readers may need help, but an appeal to the lowest common denominator whether in the library or the classroom is a poor educational principle. Babies may need pablum, but the transition to solid food must be made early; and this transition cannot be made without difficulty. Already since my article appeared new books have been advertised, as I predicted they would be, with fewer and fewer words. I know that librarians feel that these books are only for poor readers, and that good readers can move on at once to something else; but if this emphasis continues up and down the line as it seems to be doing, then what will there be to move on to?

I do not believe that I am quite as much out of touch with our space-minded youngsters as Miss Newcomer of Storrs, Conn., seems to think. Children do love facts, and I am in favor of their reading as many well-written science books as possible. But not all of them dream of being launched in rockets. "Mummy," asked the child of a friend of mine, "do I *have* to go to outer space?" It can be reassuring that there is a fantastic world right at one's doorstep, and it is of this that the finest children's writers always remind us. "Only the rarest kind of best in anything can be good enough for the young," said Walter de la Mare. In an age like ours that holds as much of peril as of promise we have a right, and an obligation, to demand it.

William Jay Smith
North Pownal, Vermont

What Did Friedenberg Say?

Sirs:

I cannot sit down to work this morning without registering my protest against the flippant, business-like tone of Daniel Friedenberg's review of Michel del Castillo's *The Disinherited* (June 13).

The final sentence of that review, in which Mr. Friedenberg suggests that Michel del Castillo "resolve his tension" by suicide, is shocking beyond words. What an admirably Rotarian solution for the creative children of the world Mr. Friedenberg is offering! – for the poets, the painters, the passionate believers, who clutter up a universe that stands outside Mr. Friedenberg's experience.

Kay Boyle
Rowayton, Connecticut

In reply:

Miss Boyle stands my meaning on its head. What I wrote was: "I have an uneasy feeling that Michel del Castillo may resolve his tension by emulating the career of his spiritual 19th-Century predecessor, Mariano José de Lara, the torn Spanish journalist who committed suicide at the age of 28." I don't recommend it! I fear it.

Daniel Friedenberg
New York, N. Y.

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